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OF

THE ACTS

PASSED BY

THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR

1891.

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BENGAL SECRETARIAT LIBRARY

TITLES OF ACTS

PASSED BY

THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1891.

I. An Act to amend the Cattle-trespass Act, 1871, and incorporate therein Act XVIII of 1853.

II. „ to amend the Indian Christian Marriage Act, 1872.

III. „ to amend the Indian Evidence Act, 1872, and the Code of Criminal Procedure, 1882.

IV. „ to amend the Code of Criminal Procedure, 1882.

V. „ to amend and supplement the Indian Ports Act, 1889

VI. „ to amend certain Acts respecting Indian Merchant Shipping.

VII „ to amend Act X of 1841

VIII. „ to extend the Indian Easements Act, 1882, to certain areas in which that Act is not in force.

IX. „ to amend the Indian Merchandise Marks Act, 1889, and the Sea Customs Act, 1878.

X. „ to amend the Indian Penal Code and the Code of Criminal Procedure, 1882.

XI. „ to amend the Indian Factories Act, 1881.

XII. „ to repeal certain Obsolete Enactments and to amend certain other Enactments.

XIII. „ to amend the Inland Steam-vessels Act, 1884.

XIV. „ to amend the constitution of the Court of the Judicial Commissioner of Oudh, and alter the Law with respect to Second Appeals and other matters in that Province

XV. „ to confirm and give effect to an Indenture between the Secretary of State and the Nawab Bahadoor of Moorshedabad, Amir-ul-Omrah.

XVI. „ to declare certain Courts in British India to be Colonial Courts of Admiralty.

XVII. „ to amend the Indian Merchant Shipping Act, 1880.

XVIII. „ to amend the Law of Evidence with respect to Bankers Books.

XIX. An Act to amend the Upper Burma Laws Act, 1886.
XX. ,, to make better provision for the administration of Municipalities in the Punjab.
XXI. ,, to amend the Lower Burma Municipal Act, 1884.
XXII. ,, to extend the Inland Emigration Act, 1882.

BENGAL SECRETARIAT LIBRARY

ACT No 1 OF 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 30th January, 1891.*)

An Act to amend the Cattle-trespass Act, 1871, and incorporate therein Act XVIII of 1883.

WHEREAS it is expedient to amend the Cattle-trespass Act, 1871, and incorporate therein Act XVIII of 1883 (*to amend the Cattle-trespass Act, 1871*); It is hereby enacted as follows:— I of 1871

1. For section 1 of the Cattle-trespass Act, 1871, the following shall be substituted, namely:— I of 1871 Substitution of new section for section 1, Act I, 1871.

"1. (*1*) This Act may be called the Cattle-trespass Act, 1871; and Title and extent.

(*2*) It extends to the whole of British India except the Presidency-towns and such local areas as the Local Government, by notification in the official Gazette, may from time to time exclude from its operation.

(*3*) The Local Government may at any time, by notification in the official Gazette, cancel or vary a notification under sub-section (*2*)."

2. To section 3 of the said Act the following shall be added, namely:— Additions to section 3, Act I, 1871.

", and

"'Local authority' means any body of persons for the time being invested by law with the control and administration

[*Price two annas*]

administration of any matters within a specified local area, and

"'Local fund' means any fund under the control or management of a local authority."

Amendment of section 10, Act I, 1871.

3. In section 10 of the said Act, for the words "take them or cause them to be taken without unnecessary delay" the words "send them or cause them to be sent within twenty-four hours" shall be substituted.

Amendment of section 11, Act I, 1871.

4. In section 11 of the said Act, for the words "take them without unnecessary delay" the words "send them or cause them to be sent within twenty-four hours" shall be substituted.

Additions to section 12, Act I, 1871.

5. (*1*) To the first paragraph of section 12 of the said Act, prescribing the scale according to which the pound-keeper is to levy a fine for every head of cattle impounded, the following proviso shall be added, namely:—

"Provided that, when it appears to the Local Government from the report of a Magistrate of a District, or on the representation of a local authority, that, in any local area subject to the jurisdiction or control of such Magistrate or authority, cattle are habitually allowed to trespass on land and damage crops or other produce thereon, the Local Government may, by notification in the official Gazette, direct that, for every head of cattle of any kind specified therein which may be seized within such local area and impounded as aforesaid, the pound-keeper shall levy such fine, not exceeding double the fine mentioned in the foregoing scale, as may be prescribed in the notification."

(*2*) After the third paragraph of the same section the following shall be added, namely:—

"The Local Government may at any time, by notification in the official Gazette, cancel or vary a notification under the proviso to the first paragraph of this section."

6. For

6. For Chapter V of the said Act the following shall be substituted, namely :—

Substitution of new Chapter for Chapter V, Act I, 1871.

"CHAPTER V.

"COMPLAINTS OF ILLEGAL SEIZURE OR DETENTION.

"20. Any person whose cattle have been seized under this Act, or, having been so seized, have been detained in contravention of this Act, may, at any time within ten days from the date of the seizure, make a complaint to the Magistrate of the District or any Magistrate authorized to receive and try charges without reference by the Magistrate of the District.

Power to make complaints.

"21. The complaint shall be made by the complainant in person, or by an agent personally acquainted with the circumstances. It may be either in writing or verbal. If it be verbal, the substance of it shall be taken down in writing by the Magistrate.

Procedure on complaint.

"If the Magistrate, on examining the complainant or his agent, sees reason to believe the complaint to be well founded, he shall summon the person complained against, and make an enquiry into the case.

"22. If the seizure or detention be adjudged illegal, the Magistrate shall award to the complainant, for the loss caused by the seizure or detention, reasonable compensation, not exceeding one hundred rupees, to be paid by the person who made the seizure or detained the cattle, together with all fines paid and expenses incurred by the complainant in procuring the release of the cattle;

Compensation for illegal seizure or detention.

and, if the cattle have not been released, the Magistrate shall, besides awarding such compensation, order their release and direct that the fines and expenses leviable under this Act shall be paid by the person who made the seizure or detained the cattle.

Release of cattle.

"23. The compensation, fines and expenses mentioned in section twenty-two may be recovered as if they were fines imposed by the Magistrate."

Recovery of compensation.

7. In section 25 of the said Act the words "under the next following section or" shall be inserted beween the

Amendment of section 25, Act I, 1871.

the words "Any fine imposed" and the words "for the offence of mischief."

Addition to section 26, Act I, 1871.

8. To section 26 of the said Act the following shall be added, namely:—

"The Local Government, by notification in the official Gazette, may from time to time, with respect to any local area specified in the notification, direct that the foregoing portion of this section shall be read as if it had reference to cattle generally, or to cattle of a kind described in the notification, instead of to pigs only, or as if the words 'fifty rupees' were substituted for the words 'ten rupees' or as if there were both such reference and such substitution.

"The Local Government may at any time, by notification in the official Gazette, cancel or vary a notification under this section."

Addition of new Chapter after Chapter VII, Act I, 1871.

9. After Chapter VII the following shall be added, namely:—

"CHAPTER VIII.

"SUPPLEMENTAL.

Power for Local Government to transfer certain functions to local authority and direct credit of surplus receipts to local fund.

"31. The Local Government may, from time to time, by notification in the official Gazette,—

(*a*) transfer to any local authority, within any part of the territories under its administration in which this Act is in operation, all or any of the functions of the Local Government or the Magistrate of the District under this Act, within the local area subject to the jurisdiction of the local authority, or

(*b*) direct that the whole or any part of the surplus accruing in any district under section eighteen of this Act shall be placed to the credit of such local fund or funds as may be formed for any local area or local areas comprised in that district,

and may, from time to time, by notification in the official Gazette, cancel or vary any notification under this section."

10. Act

I of 1871. **10.** Act XVIII of 1883 (*to amend the Cattle-trespass Act, 1871*) is hereby repealed: Repeal of Act XVIII, 1883.

Provided that orders which have been made and notified under that Act by the Local Government and are in force immediately before the commencement of this Act shall be deemed to have been made under I of 1871. the Cattle-trespass Act, 1871, as amended by this Act.

11. In section 6, sub-section (*3*), of the Cantonments XIII of 1889. Act, 1889, for the words and figures "Act XVIII of 1883 (*to amend the Cattle-trespass Act, 1871,*)" the I of 1871. words and figures "the Cattle-trespass Act, 1871," shall be substituted. Amendment of section 6 (*3*), Act XIII, 1889.

12. Any enactment or document referring to the I of 1871. Cattle-trespass Act, 1871, or to Act XVIII of 1883 (*to amend the Cattle-trespass Act, 1871*), shall be construed to refer to the Cattle-trespass Act, 1871, as amended by this Act. Saving of references.

13. This Act shall come into force on the first day of April, 1891. Commencement.

Govt. of India Central Printing Office.—No. 546 L. D.—7-2-91.—4,400.—A. E deS.

ACT No. II of 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 6th February, 1891.)

An Act to amend the Indian Christian Marriage Act, 1872.

WHEREAS it is expedient to amend the Indian Christian Marriage Act, 1872; It is hereby enacted as follows:— XV of 1872.

1. (*1*) For section 6 of the Indian Christian Marriage Act, 1872, the following shall be substituted, namely:— 1872.

Substitution of new section for section, 6. Act XV, 1872.

"6. The Local Government, so far as regards the territories under its administration, and the Governor General in Council, so far as regards any Native State, may, by notification in the local official Gazette or in the Gazette of India, as the case may be, grant licenses to Ministers of Religion to solemnize marriages within such territories and State, respectively, and may, by a like notification, revoke such licenses."

Grant and revocation of licenses to solemnize marriages.

(*2*) A license to solemnize marriages granted to a Minister of Religion under Act XXV of 1864 (*to provide further for the solemnization of marriages in India of persons professing the Christian Religion*) shall be deemed, if in force on the day on which the Indian Marriage Act, 1865, came into force, to have been, while that Act was in force, a license granted under that Act, and, if in force on the day on which the Indian Christian Marriage Act, 1872, came into force, to have been, since that Act came into force, a license granted under that Act. V of 1865.

(*3*) A license

[*Price two annas.*]

(*3*) A license to solemnize marriages granted to a Minister of Religion under Act XXV of 1864 (*to provide further for the solemnization of marriages in India of persons professing the Christian Religion*), the Indian Marriage Act, 1865, or the Indian Christian Marriage Act, 1872, shall, if in force immediately before the commencement of this Act, be deemed to have been granted under the Indian Christian Marriage Act, 1872, as amended by sub-section (*1*) of this section.

(*4*) Act XV of 1884 (*for the validation of certain licenses to solemnize Marriages granted to Ministers of Religion under Act XXV of 1864*) is hereby repealed.

Addition to proviso to section 10, Act XV, 1872.

2. To the proviso to section 10 of the said Act the following shall be added, namely :—

"or

(*3*) a Clergyman of the Church of Scotland solemnizing a marriage according to the rules, rites, ceremonies and customs of the Church of Scotland."

Amendment of section 11, Act XV, 1872.

3. In section 11 of the said Act, after the words "other than a church" the words "where worship is generally held according to the forms of the Church of England" shall be added, and between the word "no" and the word "church" in the expression "unless there is no church" the word "such" shall be inserted.

Substitution of new section for section 62, Act XV, 1872.

4. For section 62 of the said Act the following shall be substituted, namely :—

Keeping of register-book and deposit of extracts therefrom with Registrar General.

"62. (*1*) Every person licensed under section 9 shall keep in English, or in the vernacular language in ordinary use in the district or State in which the marriage was solemnized, and in such form as the Local Government by which he was licensed may from time to time prescribe, a register-book of all marriages solemnized under this Part in his presence, and shall deposit in the office of the Registrar General of

of Births, Deaths and Marriages for the territories under the administration of the said Local Government, in such form and at such intervals as that Government may prescribe, true and duly authenticated extracts from his register-book of all entries made therein since the last of those intervals.

"(*2*) Where the person keeping the register-book was licensed as regards a Native State by the Governor General in Council, references in sub-section (*1*) to the Local Government therein mentioned shall be read as references to the Local Government to whose Registrar General of Births, Deaths and Marriages certified copies of entries in registers of births and deaths are for the time being required to be sent under section 24, sub-section (*2*), of the Births, Deaths and Marriages Registration Act, 1886."

VI of 1886.

(*2*) Clause (*c*) of section 30 of the Births, Deaths and Marriages Registration Act, 1886, is hereby repealed.

Substitution of new section for section 66, Act XV, 1872.

5. For section 66 of the said Act the following shall be substituted, namely :—

False oath, declaration, notice or certificate for procuring marriage.

"66. Whoever, for the purpose of procuring a marriage or license of marriage, intentionally,—

(*a*) where an oath or declaration is required by this Act, or by any rule or custom of a Church according to the rites and ceremonies of which a marriage is intended to be solemnized, such Church being the Church of England or of Scotland or of Rome, makes a false oath or declaration, or,

(*b*) where a notice or certificate is required by this Act, signs a false notice or certificate,

shall be deemed to have committed the offence punishable under section 193 of the Indian Penal Code with imprisonment of either description for a term which may extend to three years and, at the discretion of the Court, with fine."

XLV of 1860.

6. For

Substitution of new section for section 68, Act XV, 1872.

6. For section 68 of the said Act the following shall be substituted, namely :—

Solemnizing marriage without due authority.

'68 Whoever, not being authorized by section 5 of this Act to solemnize marriages, solemnizes or professes to solemnize, in the absence of a Marriage Registrar of the district in which the ceremony takes place, a marriage between persons one or both of whom is or are a Christian or Christians, shall be punished with imprisonment which may extend to ten years, or (in lieu of a sentence of imprisonment for seven years or upwards) with transportation for a term of not less than seven years, and not exceeding ten years,

or, if the offender is an European or American, with penal servitude according to the provisions of Act XXIV of 1855 (*to substitute penal servitude for the punishment of transportation in respect of European and American convicts, and to amend the law relating to the removal of such convicts*),

and shall also be liable to fine."

Addition to section 69, Act XV, 1872.

7. To section 69 of the said Act the following shall be added, namely :—

"Nor does this section apply to marriages solemnized by a Clergyman of the Church of Scotland according to the rules, rites, ceremonies and customs of the Church of Scotland."

Amendment of sections 71 and 72, Act XV, 1872.

8. (*1*) For clause (*2*) of section 71 of the said Act the following shall be substituted, namely :—

"(*2*) after the expiration of two months after the copy of the notice has been entered as required by section 40 in respect of any marriage, solemnizes such marriage ; ".

(*2*) In section 72 of the said Act, for the words "three months" the words "two months" shall be substituted.

Addition to section 74, Act XV, 1872.

9. To section 74 of the said Act the following shall be added, namely :—

"Whoever, being licensed to grant certificates of marriage

marriage under Part VI of this Act, without just cause refuses, or wilfully neglects or omits, to perform any of the duties imposed upon him by that Part shall be punished with fine which may extend to one hundred rupees."

Amendment of section 86, Act XV, 1872.

10. Section 86 of the said Act shall be read as if the words "situate within or bordering on" instead of the words "situate within the local limits of" had been enacted in that section when the Act was passed.

Government of India Central Printing Office.—No. 578 L. D.—11-2-91.—4,400.—A. E. deS.

ACT No. III of 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 13th February, 1891.*)

An Act to amend the Indian Evidence Act, 1872, and the Code of Criminal Procedure, 1882.

WHEREAS it is expedient to amend the Indian Evidence Act, 1872, and the Code of Criminal Procedure, 1882; It is hereby enacted as follows:—

of 1872.
of 1882.

Indian Evidence Act, 1872.

Amendment of section 14, Act I, 1872.

1. (*1*) For the *Explanation* to section 14 of the Indian Evidence Act, 1872, the following shall be substituted, namely:—

of 1872

"*Explanation 1.*—A fact relevant as showing the existence of a relevant state of mind must show that the state of mind exists, not generally, but in reference to the particular matter in question.

"*Explanation 2.*—But where, upon the trial of a person accused of an offence, the previous commission by the accused of an offence is relevant within the meaning of this section, the previous conviction of such person shall also be a relevant fact."

(*2*) For *Illustration* (*b*) to the same section the following shall be substituted, namely:—

"(*b*) *A* is accused of fraudulently delivering to another person a counterfeit coin which, at the time when he delivered it, he knew to be counterfeit.

The fact that, at the time of its delivery, *A* was possessed of a number of other pieces of counterfeit coin is relevant.

The fact that *A* had been previously convicted of delivering to another person as genuine a counterfeit coin knowing it to be counterfeit is relevant."

2. In

[*Price one anna and six pies.*]

Amendment of section 15, Act I, 1872.

2. In section 15 of the said Act, after the word "intentional," there shall be inserted the words "or done with a particular knowledge or intention,".

Addition to section 26, Act I, 1872.

3. To section 26 of the said Act the following shall be added, namely :—

"*Explanation.*—In this section 'Magistrate' does not include the head of a village discharging magisterial functions in the Presidency of Fort St. George or in Burma or elsewhere, unless such headman is a Magistrate exercising the powers of a Magistrate under the Code of Criminal Procedure, 1882. X of 1882

Addition of *Explanation* to section 30, Act I, 1872.

4. In section 30 of the said Act, immediately before the *Illustrations* the following shall be inserted, namely :—

"*Explanation.*—'Offence' as used in this section includes the abetment of, or attempt to commit, the offence."

Addition to section 43, Act I, 1872.

5. To section 43 of the said Act the following *Illustrations* shall be added, namely :—

"(*e*) *A* is charged with theft and with having been previously convicted of theft. The previous conviction is relevant as a fact in issue.

"(*f*) *A* is tried for the murder of *B*. The fact that *B* prosecuted *A* for libel and that *A* was convicted and sentenced is relevant under section 8 as showing the motive for the fact in issue."

Substitution of new section for section 54, Act I, 1872.

6. For section 54 of the said Act the following shall be substituted, namely :—

Previous bad character not relevant, except in reply.

"54. In criminal proceedings the fact that the accused person has a bad character is irrelevant, unless evidence has been given that he has a good character, in which case it becomes relevant.

"*Explanation 1.*—This section does not apply to cases in which the bad character of any person is itself a fact in issue.

"*Explanation 2.*—A previous conviction is relevant as evidence of bad character."

7. In

7. In the *Explanation* to section 55, after the word "but" there shall be inserted the words and figures "except as provided in section 54".

Amendment of *Explanation* to section 55, Act I, 1872.

8. In section 86 of the said Act, for the words "resident in" the words "in or for" shall be substituted, and to the same section the following shall be added, namely:—

Amendment of, and addition to, section 86, Act I, 1872.

"An officer who, with respect to any territory or place not forming part of Her Majesty's dominions, is a Political Agent therefor, as defined in section 3 of the Foreign Jurisdiction and Extradition Act, 1879, and section 190 of the Code of Criminal Procedure, 1882, shall, for the purposes of this section, be deemed to be a representative of the Government of India in and for the country comprising that territory or place."

XXI of 1879.
X of 1882.

Code of Criminal Procedure, 1882.

X of 1882.

9. To section 310 of the Code of Criminal Procedure, 1882, the following shall be added, namely:—

Amendment of section 310, Act X, 1882.

"Notwithstanding anything in this section, evidence of the previous conviction may be given at the trial for the subsequent offence, if the fact of the previous conviction is relevant under the provisions of the Indian Evidence Act, 1872."

I of 1872.

Government of India Central Printing Office.—No. 612 L. D.—19-2-91.—4,100.—A. E. deb.

ACT No. IV of 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 13th February, 1891.*)

An Act to amend the Code of Criminal Procedure, 1882.

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1882; It is hereby enacted as follows:— X of 1882.

1. Section 250 of the said Code is hereby repealed. Repeal of section 250, Act X, 1882.

2. To the said Code the following shall be added, namely:— Enactment of new section in place of repealed section 250, Act X, 1882.

"560. (*1*) If, in any case instituted by complaint as defined in this Code, or upon information given to a police-officer or to a Magistrate, a person is accused before a Magistrate of any offence triable by a Magistrate, and the Magistrate by whom the case is tried discharges or acquits the accused and is satisfied that the accusation against him was frivolous or vexatious, the Magistrate may, in his discretion, by his order of discharge or acquittal, direct the person upon whose complaint or information the accusation was made to pay to the accused, or to each of the accused where there are more than one, such compensation, not exceeding fifty rupees, as the Magistrate thinks fit: Frivolous or vexatious accusations.

Provided that, before making any such direction, the Magistrate shall—

(*a*) record and consider any objection which the complainant or informant may urge against the making of the direction, and,

(*b*) if

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(*b*) if the Magistrate directs any compensation to be paid, state in writing, in his order of discharge or acquittal, his reasons for awarding the compensation.

(*2*) Compensation of which a Magistrate has ordered payment under sub-section (*1*) shall be recoverable as if it were a fine:

Provided that, if it cannot be recovered, the imprisonment to be awarded shall be simple, and for such term, not exceeding thirty days, as the Magistrate directs.

(*3*) A complainant or informant who has been ordered under sub-section (*1*) by a Magistrate of the second or third class to pay compensation to an accused person may appeal from the order, in so far as the order relates to the payment of the compensation, as if such complainant or informant had been convicted on a trial held by such Magistrate.

(*4*) Where an order for payment of compensation to an accused person is made in a case which is subject to appeal under sub-section (*3*), the compensation shall not be paid to him before the period allowed for the presentation of the appeal has elapsed, or, if an appeal is presented, before the appeal has been decided.

(*5*) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any compensation paid or recovered under this section."

Repeal of part of section 552, Act X, 1882.

3. The words "or complained against" in the second paragraph of section 552 of the said Code are hereby repealed.

Government of India Central Printing Office.—No. 613 L. D.—19-2-91.—4,400.—A. E. deS.

ACT No. V of 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 27th February, 1891.)

An Act to amend and supplement the Indian Ports Act, 1889.

WHEREAS it is expedient to amend and supplement the Indian Ports Act, 1889; It is hereby enacted as follows :— X of 1889.

1. For clause (*a*) of section 6, sub-section (*1*), of the Indian Ports Act, 1889, the following shall be substituted, namely :— X of 1889.

Substitution of new clause for section 6 (*1*) (*a*), Act X of 1889.

"(*a*) for regulating the time and hours at and during which, the speed at which, and the manner and conditions in and on which, vessels generally, or vessels of any class defined in the rules, may enter, leave or be moved in any port subject to this Act".

2. Any direction which, having been issued by a Local Government and published in an official Gazette, expressly purports, or may be reasonably held to have been intended, to be a rule under section 7, clause 8, of Act XXII of 1855, or under section 7, clause (*h*), of the Indian Ports Act, 1875, or under section 6, sub-section (*1*), clause (*h*), of the Indian Ports Act, 1889, or under any other law for the time being in force, with respect to the moving of vessels in any port which is at the commencement of this Act subject to the Indian Ports Act, 1889, shall, if the direction has not been cancelled by the Local Government by a notification in an official Gazette and could, after the

of 1875. 1889.

Saving of past rules respecting the moving of vessels in ports.

[*Price one anna and three pies.*]

the commencement of this Act, be issued as a rule made under clause (*a*) of section 6, sub-section (*1*), of the Indian Ports Act, 1889, as amended by the foregoing section of this Act, be deemed to have been issued as a rule made under that clause. X of 18

Definitions.

3. The expressions "port" and "vessel" in this Act have respectively the same meanings as in the Indian Ports Act, 1889. X of 1889.

Govt. of India Central Printing Office.—708 L. D.—5-3-91 4,400.—A. E. def.

ACT No. VI OF 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 6th March, 1891.)

VII

An Act to amend certain Acts respecting Indian Merchant Shipping.

WHEREAS it is expedient to amend certain Acts respecting Indian Merchant Shipping; It is hereby enacted as follows:—

Act I of 1859.

Amendment of section 12, Act I, 1859.

1. (*1*) In clause 1 of section 12 of Act I of 1859, for the words "or any higher rank in the service of Her Majesty or of the East India Company," the following words shall be substituted, namely:—

"or any corresponding or higher rank in the service of Her Majesty or the rank of commander or first grade officer in the Indian Marine Service,".

(*2*) In clause 2 of the same section, after the words "any such ship as aforesaid," the following words shall be inserted, namely:—

"or who has attained or shall attain the rank of second grade officer in the Indian Marine Service,".

Addition of section after section 24, Act I, 1859.

2. After section 24 of the same Act the following shall be inserted, namely:—

Renewal of running agreements in certain cases.

"24A. (*1*) When a running agreement with the crew of a foreign-going ship has been made under section 23 and the ship arrives after the next following thirtieth day of June or thirty-first day of December at a port of destination in India which is not the port at which the crew have agreed to be discharged, the master may, with the previous sanction of the shipping-master, renew the agreement with the crew, or

may

[*Price three annas.*]

may be required by the shipping-master so to renew the agreement, for the voyage from such port of destination to the port in India at which the crew have agreed to be discharged.

"(*2*) If the master of the ship is required by the shipping-master to renew the agreement as aforesaid and refuses so to renew it, any expenses which may be incurred by the Government for the subsistence of the crew and their conveyance to the port at which they have agreed to be discharged shall be a charge upon the ship, and shall be recoverable as if they were expenses incurred in respect of distressed seamen under the provisions of Chapter III of the Indian Merchant Shipping Act, 1880." VII of 1880.

Addition to section 32, Act I, 1859.

3. To section 32 of the same Act the following shall be added, namely:—

"Notwithstanding anything in this section or in any other enactment for the time being in force, the owner of home-trade ships or his agent may enter into time-agreements, in forms to be sanctioned by the Governor General in Council, with individual seamen to serve in any one or more ships belonging to him, which agreements need not expire on either the thirtieth day of June or the thirty-first day of December."

Amendment of section 115, Act I, 1859.

4. To section 115 of the same Act the following shall be added, namely:—

"and for the repayment to the Secretary of State for India in Council of all expenses which may be incurred by the Government in respect of any such lascar or other native seaman who may be discharged or left behind at any port out of India and becomes distressed and is relieved under the provisions of the Merchant Shipping Act, 1854, section 211, and the enactments amending the same." 17 & 18 Vict., c. 104.

Modification of section 118, Act I, 1859.

5. Section 118 of the same Act shall be modified as follows, namely:—

(*1*) in the definition of "home-trade ship" the words "or in the Straits Settlements" shall be inserted between the words "on the Continent

Continent of India" and the words "or in the Island of Ceylon," and

(*2*) in the definition of "foreign-going ship" the words "nor in the Straits Settlements" shall be inserted between the words "nor on the Continent of India" and the words "nor in the Island of Ceylon".

The Indian Merchant Shipping Act, 1880.

VII of 1880.

6. For section 72 of the Indian Merchant Shipping Act, 1880, the following shall be substituted, namely :— Substitution of new section for section 72, Act VII, 1880.

"72. But nothing in this Chapter shall be deemed to— Savings.

(*a*) affect the declaration of the twenty-third day of October, 1889, in the schedule to this Act, between the Government of the United Kingdom of Great Britain and Ireland and the Government of the French Republic, with reference to the disposal of the proceeds of wrecks on their respective coasts, that declaration having been made applicable to India, or

IX of 1889.

(*b*) affect section 29 of the Indian Ports Act, 1889, or entitle any person to salvage in respect of any property recovered by creeping or sweeping in contravention of that section."

7. In section 74 of the same Act, after the words "so appointed" the words "or bringing within such limits any wreck which has been found and taken possession of elsewhere" shall be inserted. Amendment of section 74, Act VII, 1880.

8. To the same Act the schedule in the schedule to this Act shall be added. Addition of schedule to Act VII, 1880.

The Indian Merchant Shipping Act, 1883.

of 1883.

9. To section 6 of the Indian Merchant Shipping Act, 1883, the following shall be added, namely :— Amendment of section 6, Act V, 1883.

"(*4*) The Magistrate or other officer whose duty it is under sub-section (*1*) to report to the Local Government

ernment such information as is referred to in that sub-section shall be deemed to be a public servant, and shall have all the powers which an inspector appointed under section 14 of the Merchant Shipping Act, 1854, has under clauses (*1*) to (*5*) of section 15 of that Act, that is to say:— 17 & 18 Vict., c. 104.

(*1*) he may go on board any ship, and may inspect the same or any part thereof, or any of the machinery, boats, equipments or articles on board thereof, to which the provisions of this Act apply, not unnecessarily detaining or delaying her from proceeding on any voyage:

(*2*) he may enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report which he is directed to make:

(*3*) he may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for such purpose, and may require answers or returns to any inquiries he thinks fit to make:

(*4*) he may require and enforce the production of all books, papers or documents which he considers important for such purpose:

(*5*) he may administer oaths, or may, in lieu of requiring or administering an oath, require any person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination.

"(*5*) The word 'coasts' in this section includes the coasts of creeks and tidal rivers."

New sub-section substituted for sub-section (*1*) of section 7, Act V, 1883.

10. For sub-section (*1*) of section 7 of the same Act the following shall be substituted, namely:—

Power for Local Government to

"(*1*) If the Local Government to which the report prescribed by the last foregoing section has been

been made or within whose territories any competent witnesses of any such loss, abandonment, stranding, damage or casualty as is described in clause (*a*), (*b*), (*c*) or (*d*) of sub-section (*1*) of the same section have arrived or are to be found or any evidence of such supposed loss as is described in clause (*e*) of the same sub-section can be obtained, is of opinion that a formal investigation into the facts mentioned in any of the said clauses is requisite or expedient, such Local Government may appoint a special Court, consisting of not less than two nor more than four persons, and direct that Court to make the investigation, and may fix the place for making the same."

appoint special Court of Investigation.

11. In section 8 of the same Act, after the words "Local Government" the words "or by such officer as the Local Government has empowered in this behalf" shall be inserted.

Amendment of section 8, Act V, 1883.

Act VI

12. In section 20 of the same Act, clause (*a*) and the proviso shall be repealed.

Amendment of section 20, Act V, 1883.

13. After section 24 of the same Act the following shall be added, namely :—

Addition of section after section 24, Act V, 1883.

"24A. (*1*) Notwithstanding anything in the foregoing provisions of this Act, a certificate (whether of competency or service) which has been granted by any Local Government to a master, mate or engineer, but has not been granted under the provisions of the Merchant Shipping (Colonial) Act, 1869, or of any Order in Council under the said Act, may, if a Court conducting an investigation under this Act finds that the loss, stranding or abandonment of or damage to any ship, or loss of life, has been caused by the wrongful act or default of the master, mate or engineer, or that he is incompetent or has been guilty of any gross act of drunkenness, tyranny or other misconduct, be cancelled or suspended by the Court :

Power to Court to suspend or cancel certificates granted by Local Government.

32 Vict., c. 11.

"Provided that the Court shall not cancel or suspend a certificate unless the holder of the certificate was furnished before the commencement of the investigation with the copy of the report or statement required

required by section 9 or section 10, as the case may be.

"(*2*) At the conclusion of the investigation, or as soon afterwards as possible, the Court shall state in open sitting the decision to which it may have come with respect to the cancelment or suspension of any certificate.

"(*3*) A master, mate or engineer whose certificate has been cancelled or suspended by the Court shall deliver the certificate to the Court, and the Court shall forward it to the Local Government, together with the report which it is required by section 17, sub-section (*1*), to transmit to that Government

"(*4*) A master, mate or engineer failing to deliver a certificate as required by sub-section (*3*) shall be punished with fine which may extend to five hundred rupees.

"(*5*) The duties imposed and powers conferred by sections 22, 23 and 24 on the Local Government which cancels or suspends a certificate shall, when a Court has under this section cancelled or suspended a certificate be performed and exercised by the Local Government to which the Court has forwarded the certificate under sub-section (*3*), as if such Local Government had itself cancelled or suspended the certificate under section 20."

Supplemental.

General provision with respect to surrender of certificates.

14. (*1*) When the certificate of a master, mate, engineer or engine-driver is cancelled or suspended under any law for the time being in force, he shall deliver to the Court or person entitled to receive delivery from him of such cancelled or suspended certificate every other certificate, if any, held by him which has been granted to him under any of the Merchant Shipping Acts, 1854 to 1889, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869, or which has been granted to him by any Local Government in British India.

17 & 18 Vict., c. 104, &c

32 Vict., c. 11.

(*2*) If any master, mate, engineer or engine-driver fails

fails to comply with the requirement of sub-section (*1*), he shall be punished with fine which may extend to five hundred rupees.

THE SCHEDULE.

(*See section 8.*)

THE SCHEDULE.

(*See section 72.*)

Declaration between the Government of the United Kingdom of Great Britain and Ireland and the Government of the French Republic, with reference to the disposal of the proceeds of Wrecks on their respective Coasts.

The Government of Her Majesty the Queen of the United Kingdom of Britain and Ireland, Empress of India, and the Government of the French Republic, desiring to regulate by a new Agreement questions relative to the disposal of the proceeds of wrecks on the coasts of the two States, have agreed to replace the Declaration signed at London on the 16th June, 1879, by the following arrangements :—

ARTICLE I.

When any ship belonging to the subjects of one of the two Contracting States is wrecked or stranded on the coast of the other, the competent local authorities shall, with as little delay as possible, bring the fact to the knowledge of the Consul General, Consul, Vice-Consul or Consular Agent nearest to the spot where the wreck or stranding has taken place.

ARTICLE II.

All operations relative to the salvage of British ships which may be wrecked or stranded on the coasts of France shall be directed by the Consuls General, Consuls, Vice-Consuls or Consular Agents of Great Britain, and reciprocally the French Consuls General, Consuls, Vice-Consuls and Consular Agents shall direct all operations relative to the salvage of ships of their nation wrecked or stranded on the coasts of Great Britain.

ARTICLE III.

If the owners of the ship and cargo, or their duly authorised representatives, shall be present and shall claim it, the Consuls General, Consuls, Vice-Consuls and Consular Agents shall hand over to them the conduct of the salvage operations after requiring the deposit of the ship's papers, as well as the reimbursement of the expenses already defrayed, and a sufficient guarantee for

for those incurred before the operations were handed over, and which may not have been already settled.

ARTICLE IV.

The intervention of the local authorities shall only take place in the two countries for the purpose of assisting the Consular authority, of maintaining order, of securing the interests of the salvors if they are strangers to the ship-wrecked crews, and of assuring the due execution of the arrangements to be carried out for the entry and departure of the merchandise saved.

In the absence, and until the arrival, of the Consuls General, Consuls, Vice-Consuls or Consular Agents, the local authorities shall, moreover, take all necessary measures for the protection of the persons and for the preservation of the articles which shall have been saved from the wreck.

This intervention shall not give rise to any charges, with the exception of those which the salvage operations and the protection of the articles saved shall have rendered necessary, and those to which national ships would, under similar circumstances, be liable. These charges shall be paid according to the circumstances of the case, either by the Agents of the Consular service, or by their owners or their proxies.

In case absence, sickness or any other cause should prevent the Agents of the Consular service from seeing to the operations and the management of the salvage, the local authorities who may be charged with the operations and management in question shall be bound to remit to the aforesaid Agents the ship's papers and the net proceeds of the ship and the cargo.

ARTICLE V.

The merchandise and articles saved shall not be liable to any customs-duties, unless they are intended for home consumption, in which case they shall pay the same duties as they would have had to pay if they had been imported in national vessels.

ARTICLE VI.

The stipulations of the present Declaration shall be applicable to all the Colonies and foreign possessions of Her Britannic Majesty, excepting to those hereinafter named, that is to say, except to—

India.	Victoria.
The Dominion of Canada.	Queensland.
Newfoundland.	Tasmania.
The Cape.	South Australia.
Natal.	Western Australia.
New South Wales.	New Zealand.

Provided

Provided always that the stipulations of the present Declaration shall be made applicable to any of the above-named Colonies or foreign possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's Representative to the French Republic within one year from the date of the signature of the present Declaration.

The stipulations of the present Declaration shall be applicable to all the Colonies and foreign possessions of France.

ARTICLE VII.

The present Declaration shall come into operation three months after the date of its signature, and shall remain in force until the expiration of one year from the day on which either Party may give notice of its intention to terminate it.

In witness whereof, the undersigned Plenipotentiaries, His Excellency the Earl of Lytton, Ambassador of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Excellency M. Eugène Spuller, Minister for Foreign Affairs, have signed the present Declaration, and have affixed thereto their seals.

Done at Paris, this twenty-third day of October, 1889.

(L.S.) LYTTON.
(L.S.) E. SPULLER.

Government of India Central Printing Office.—No. 35 L. D.—13-3-91.—4,400.—A. E. deS.

ACT No. VII of 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 6th March, 1891.*)

An Act to amend Act X of 1841.

WHEREAS it is expedient to amend the Act of the Governor General in Council, No. X of 1841 (*an Act for prescribing the rules to be observed in order that ships or vessels belonging to ports within the territories under the government of the East India Company, or belonging to Native Princes or States, or their subjects, may become entitled to the privileges of British ships under a proclamation of the Governor General of India in Council made in pursuance of the Statute 3rd & 4th Vict., c. 56*); It is hereby enacted as follows:—

1. In section 2 of the said Act, the word "Singapore" is hereby repealed.

Repeal of a word in section 2, Act X of 1841.

2. For that portion of section 3 of the said Act, beginning with the words "the persons now authorised" and ending with the words "such other or different persons", the words "such persons" shall be substituted.

Amendment of section 3, Act X of 1841.

3. For sections 8 to 12, both inclusive, of the said Act, the following shall be substituted, namely:—

Substitution of new sections for sections 8 to 12, Act X of 1841.

"8. The certificate of the surveying officer shall be in the form in the schedule to this Act or in such other form as the Governor General in Council may from

Certificate of surveying officer.

[*Price two annas.*]

from time to time prescribe; and such certificate shall be delivered to the registering officer before registry.

Measurement of tonnage for purpose of registry.

"9. Subject to the provisions of section 70 of Act I of 1859 (*an Act for the amendment of the law relating to Merchant Seamen*) as amended by section 9 of the Indian Merchant Seamen's Act, 1876, the tonnage of a ship or vessel required by law to be registered shall, previous to her being registered, be measured and ascertained according to such of the rules and orders for the time being in force in and under the Merchant Shipping Act, 1854, as amended by subsequent Acts [including the Merchant Shipping (Tonnage) Act, 1889] as apply to measurement of tonnage for the purpose of registry.

XIII of 1876.

17 & 18 Vict., c 104.

52 & 53 Vict., c. 43.

Measurement of tonnage for purpose other than registry.

"10. Subject to the provisions referred to in the last foregoing section, the tonnage of a ship or vessel requiring to be measured for any purpose other than registry shall be measured and ascertained according to such of the rules and orders for the time being in force in and under the Merchant Shipping Act, 1854, amended as aforesaid, as apply to measurement of tonnage for a purpose other than registry.

17 & 18 Vict., c. 104.

Substitution of Governor General in Council for Board of Trade.

"11. The rules and orders referred to in section 9 and section 10 of this Act shall, in their application to measurement of tonnage for the purposes of this Act, or of any enactment, rule or order referring to this Act, be read and construed as if the Governor General in Council were therein named instead of the Board of Trade or the authority for which the Board of Trade has been substituted by section 3 of the Merchant Shipping Act, 1872.

35 & 36 Vict., c. 73.

Marking of register tonnage on ship or vessel.

"12. The true amount of the register tonnage of every ship or vessel to be measured and ascertained according to the rules and orders referred to in section 9 of this Act shall be deeply carved or cut in figures of at least three inches in length on the main beam of every such ship or vessel prior to her being registered."

Amendment of section 14.

4. In section 14 of the said Act, to the word "tonnage"

"tonnage," wherever it occurs, the word "register" shall be prefixed, and for the words "rules herein prescribed" the words "said rules and orders" shall be substituted. Act X of 1841.

5. In section 15 of the said Act, ~~the words "of the East India Company" are hereby repealed, and~~ for the words and figures "Act No. II of 1839" the words "the law for the time being in force for the recovery of fines imposed by Criminal Courts" shall be substituted. Amendment of section 15, Act X of 1841.

6. (1) In section 17 of the said Act the word "that," where it occurs before the words "the owner or owners" and before the words "if such owner or owners," is hereby repealed. Repeal of words in section 17, Act X of 1841.

(2) To the same section the words "recoverable as aforesaid" shall be added.

7. In section 23 of the said Act, after the words "ten thousand rupees" the words "recoverable as aforesaid" shall be inserted. Amendment of section 23, Act X of 1841.

8. In section 24 of the said Act, the words "issued under the Company's seal and" are hereby repealed, and for the words "for the Governor of Fort William in Bengal or for the Governor in Council of any presidency" and for the words "for the Governor of Fort William in Bengal or the Governor in Council of any presidency" the words "for a Local Government" shall be substituted. Amendment of section 24, Act X of 1841.

9. After section 26 of the said Act, and before the Proclamation, the following shall be inserted, namely:— Addition to Act X of 1841.

"27. The expressions 'Local Government,' 'Local Governments of India' and 'Government of the Presidency,' as used in this Act, shall be deemed to include, and to have always included, every person who is a 'Local Government' as defined in section 2, clause (10), of the General Clauses Act, 1868." Definition of "Local Government." I of 1868.

THE SCHEDULE.

"THE SCHEDULE.

" (*See section 8.*)

ACT X, 1841.

Certificate of Survey.

Name of Ship.	Port of intended Registry.	Official Number, if there has been any former Registry.

Whether a Sailing or Steam Ship; and, if a Steam Ship, how propelled.	Where Built.	When Built.	Name and Address of Builders.

		Feet.	Tenths.
Number of Decks .	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post		
Number of Masts .	Main breadth to outside of plank . . .		
Rigged . . .	Depth in hold from tonnage deck to ceiling at midships		
Stern	Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards		
Build	Length of engine room, if any . . .		
Galleries . . .			
Head			
Framework . . .			

PARTICULARS OF ENGINES (IF ANY).

No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	Diameter of Cylinders.	Length of Stroke.	No. of Horses' Power (combined).
			Engines.				
			Boilers.				

PARTICULARS

"PARTICULARS OF TONNAGE.

GROSS TONNAGE.	No. of Tons.	DEDUCTION ALLOWED.	No. of tons.
Under Tonnage Deck . .		On account of space required for propelling power . . .	
Closed-in spaces above the Tonnage Deck, if any:		On account of spaces occupied by Seamen or Apprentices and appropriated to their use and kept free from goods or stores of every kind not being the personal property of the Crew.	
Space or spaces between Decks		These spaces are the following, namely:—	
Poop			
Forecastle			
Round-House . . .			
Other closed-in spaces, if any, as follows:			
Gross Tonnage . .		Cubic metres.	
Deduction, as *per contra* .			
Registered Tonnage .		TOTAL .	

I, the undersigned_____

having surveyed the above-named Ship, hereby certify that the above particulars are true.

Dated at_____

this_____day of

_____18_____.

_____ _____

Surveyor.

Government of India Central Printing Office.—No. 36 L. D.—15-3-91.—4,400.—A. E. deS.

ACT No. VIII of 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 6th March, 1891.)

An Act to extend the Indian Easements Act, 1882, to certain areas in which that Act is not in force.

V of 1882.

WHEREAS it is expedient to extend the Indian Easements Act, 1882, to certain areas in which that Act is not in force; It is hereby enacted as follows:—

V of 1882.

1. The Indian Easements Act, 1882, is hereby extended to the territories respectively administered by the Governor of Bombay in Council and the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh.

Extension of Act V, 1882, to Bombay and the North-Western Provinces and Oudh.

[*Price one anna.*]

Government of India Central Printing Office.--No. 37 L. D.—13-3-91.—4,400.—A. E. deS.

ACT No. IX of 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 13th March, 1891.)

An Act to amend the Indian Merchandise Marks Act, 1889, and the Sea Customs Act, 1878.

IV of 1889. VIII of 1878. WHEREAS it is expedient to amend the Indian Merchandise Marks Act, 1889, and the Sea Customs Act, 1878; It is hereby enacted as follows:—

IV of 1889 **1.** In section 1, sub-section (*2*), of the Indian Merchandise Marks Act, 1889, the words "subject to the provision of the last section of this Act" are hereby repealed. Repeal of part of section 1, Act IV, 1889.

IV of 1889. **2.** Section 19 of the Indian Merchandise Marks Act, 1889, and the words "*Transitory Provision*" prefixed to the section, are hereby repealed. Repeal of section 19, Act IV, 1889.

VIII of 1878. IV of 1889. **3.** In clause (*e*), sub-clause (*ii*), of section 18 of the Sea Customs Act, 1878, as amended by section 10, sub-section (*1*), of the Indian Merchandise Marks Act, 1889, for the words "that place and the country in which it is situated are" the words "the country in which that place is situated is" shall be substituted. Amendment of section 18 (*e*) (*ii*), Act VIII, 1878.

IV of 1889 **4.** After section 18 of the Indian Merchandise Marks Act, 1889, as amended by this Act, the following shall be added, namely:— Additions to Act IV, 1889.

"19. For the purposes of section 12 of this Act, and Definition of piece-goods.

[*Price one anna and six pies.*]

and clause (*f*) of section 18 of the Sea Customs Act, 1878, as amended by this Act, the Governor General in Council may, by notification in the Gazette of India, declare what classes of goods are included in the expression 'piece-goods, such as are ordinarily sold by length or by the piece.' VIII of 1878

Determination of character of goods by sampling

"20. (*1*) The Governor General in Council may make rules, for the purposes of this Act, to provide, with respect to any goods which purport or are alleged to be of uniform number, quantity, measure, gauge or weight, for the number of samples to be selected and tested and for the selection of the samples.

"(*2*) With respect to any goods for the selection and testing of samples of which provision is not made in any rules for the time being in force under sub-section (*1*), the Court or officer of customs, as the case may be, having occasion to ascertain the number, quantity, measure, gauge or weight of the goods, shall, by order in writing, determine the number of samples to be selected and tested and the manner in which the samples are to be selected.

"(*3*) The average of the results of the testing in pursuance of rules under sub-section (*1*) or of an order under sub-section (*2*) shall be *primâ facie* evidence of the number, quantity, measure, gauge or weight, as the case may be, of the goods.

"(*4*) If a person having any claim to, or in relation to, any goods of which samples have been selected and tested in pursuance of rules under sub-section (*1*) or of an order under sub-section (*2*) desires that any further samples of the goods be selected and tested, they shall, on his written application and on the payment in advance by him to the Court or officer of customs, as the case may be, of such sums for defraying the cost of the further selection and testing as the Court or officer may from time to time require, be selected and tested to such extent as may be permitted by rules o be made by the Governor General in Council in this behalf or as, in the case of goods with respect to which provision is not made in such

such rules, the Court or officer of customs may determine in the circumstances to be reasonable, the samples being selected in manner prescribed under sub-section (*1*), or in sub-section (*2*), as the case may be.

"(*5*) The average of the results of the testing referred to in sub-section (*3*) and of the further testing under sub-section (*4*) shall be conclusive proof of the number, quantity, measure, gauge or weight, as the case may be, of the goods.

"(*6*) Rules under this section shall be made after previous publication.

Information as to commission of offences.

"21. An officer of the Government whose duty it is to take part in the enforcement of this Act shall not be compelled in any Court to say whence he got any information as to the commission of any offence against this Act.

Punishment of abetment in India of acts done out of India.

"22. If any person, being within British India, abets the commission, without British India, of any act which, if committed in British India, would under this Act, or under any section of that part of Chapter XVIII of the Indian Penal Code which relates to trade, property and other marks, be an offence, he may be tried for such abetment in any place in British India in which he may be found, and be punished therefor with the punishment to which he would be liable if he had himself committed in that place the act which he abetted."

XLV of 1860

Government of India Central Printing Office.—No. 75 L. D.—19-3-91.—4,400.—A. E. deS.

ACT No. X OF 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 19th March, 1891.)

An Act to amend the Indian Penal Code and the Code of Criminal Procedure, 1882.

XLV of 1860. X of 1882.

WHEREAS it is expedient to amend the Indian Penal Code and the Code of Criminal Procedure, 1882; It is hereby enacted as follows:—

Indian Penal Code.

XLV of 1860.

1. In section 375 of the Indian Penal Code, in the clause marked *Fifthly* and in the *Exception*, the word "twelve" shall be substituted for the word "ten".

Amendment of section 375, Act XLV, 1860.

Code of Criminal Procedure, 1882.

15 Act X 1882.

2. After section 560 of the Code of Criminal Procedure, 1882, the following shall be added, namely:—

Addition of section after section 560, Act X, 1882.

"561. (*1*) Notwithstanding anything in this Code, no Magistrate except a Chief Presidency Magistrate or District Magistrate shall—

Special provisions with respect to offence of rape by a husband.

(*a*) take cognizance of the offence of rape where the sexual intercourse was by a man with his wife, or

(*b*) commit the man for trial for the offence:

"(*2*) And, notwithstanding anything in this Code, if a Chief Presidency Magistrate or District Magistrate deems it necessary to direct an investigation by a Police-officer with respect to such an offence as is referred to in sub-section (*1*) of this section, no Police-officer of a rank below that of Police Inspector shall be employed either to make, or to take part in, the investigation."

3. In

[*Price one anna and three pies.*]

Amendment of Schedule II, Act X, 1882.

3. In Schedule II to the said Code, for the entry respecting section 376 of the Indian Penal Code the following shall be substituted, namely:— XLV of 1860.

Column 1.	Column 2.	Column 3.	Column 4.	Column 5.	Column 6.	Column 7.	Column 8.
	Rape—						
	If the sexual intercourse was by a man with his own wife.	Shall not arrest without warrant.	Summons.	Bailable .	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
	In any other case	May arrest without warrant.	Warrant .	Not bailable.	Ditto .	Ditto . .	Ditto.

Government of India Central Printing Office.—No. 109 L. D.—18-4-91.—4,900.—A. E. de S.

ACT No. XI OF 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 19th March, 1891.)

An Act to amend the Indian Factories Act, 1881.

WHEREAS it is expedient to amend the Indian Factories Act, 1881; It is hereby enacted as follows:— XV of 1881.

Short title and commencement.

1. (*1*) This Act may be called the Indian Factories Act, 1891; and

(*2*) It shall come into force on the first day of January, 1892.

Repeal of part of section 1, Act XV of 1881.

2. The words and figures "and shall come into force on the first day of July, 1881," in section 1 of the Indian Factories Act, 1881, are hereby repealed. XV of 1881.

Amendment of definition of "factory" in section 2, Act XV, 1881.

3. For clause (*b*) in section 2 of the said Act, in the definition of the word "factory", the following shall be substituted, namely:—

"(*b*) wherein, subject to the provisions of section 20, not less than fifty persons are on any day simultaneously employed in any manual labour in, or incidental to, any such process; and".

Amendment of definition of "employed" in section 2, Act XV, 1881.

4. (*1*) For the word "child" in the same section of the said Act, in the definition of the word "employed", the word "person" shall be substituted.

(*2*) In the same section of the said Act, in the definition of the word "employed", the word "either" is hereby repealed.

Amendment of sections 2,

5. For the word "twelve" in sections 2, 4, 5 and

[*Price three annas.*]

4, 5 and 16, Act XV, 1881

16 of the said Act, the word "fourteen" shall be substituted.

Amendment of section 3, Act XV, 1881.

6. (*1*) In the first paragraph of section 3 of the said Act, after the word "appoint" the words "by name or by office" shall be inserted.

(*2*) For the second paragraph of the same section of the said Act, the following shall be substituted, namely:—

"The District Magistrate shall, in virtue of his office, be an Inspector of all factories, if any, in his district."

Amendment of section 4, Act XV, 1881.

7. In clause (*b*) of section 4 of the said Act, for the word "provisions" the word "purposes" shall be substituted.

Amendment of section 5, Act XV, 1881.

8. In section 5 of the Act, before the word "examine" the words "and on payment by such person of such fee, if any, as may from time to time be prescribed by the Governor General in Council by notification in the Gazette of India" shall be inserted.

Amendment of sections 4, 5 and 16, Act XV, 1881.

9. For the word "seven" in sections 4, 5 and 16 of the said Act the word "nine" shall be substituted.

Substitution of new sections for sections 6 to 11, Act XV, 1881.

10. For sections 6 to 11, both inclusive, of the said Act, and for the heading "*Children*" prefixed to the said section 6, the following shall be substituted, namely:—

"*All Operatives.*

Limited stoppage of work daily in certain circumstances.

"5A. (*1*) In every factory, except a factory in which a system of employment in shifts or sets approved by the local Inspector is in force, there shall between noon and two o'clock in the afternoon be a stoppage of work for a full half-hour:

(*2*) Provided that nothing in this section shall apply to any factory of a class to which the Governor General in Council has, by notification in the Gazette of India, declared this section not to apply.

Holidays.

"5B. (*1*) No person shall be employed in any factory on a Sunday:

(*2*) Provided

(*2*) Provided as follows:—

(*a*) any manager, foreman, mechanic, artisan or labourer may be employed in a factory on a Sunday in examining or repairing, or in supervising or aiding in the examination or repair of, any machinery or other thing whatsoever necessary for the carrying on of the work performed in the factory;

(*b*) any person may be employed in a factory on a Sunday if he has had or will have a holiday for a whole day on one of the three days immediately preceding or succeeding the Sunday;

(*c*) the Local Government may from time to time, by notification in the official Gazette, declare sub-section (*1*) of this section not to apply to any factory or class of factories (the factory or class being described in the notification) in which the work performed—

(*i*) necessitates continuous production for technical reasons, or

(*ii*) supplies the public with articles of prime necessity which must be made every day, or

(*iii*) by its nature cannot be carried on except at stated seasons or at times dependent on the irregular action of natural forces; and

(*d*) the Governor General in Council may from time to time, by notification in the Gazette of India, declare sub-section (*1*) of this section not to apply to factories of any class described in the notification.

" *Women.*

Employment of women.

" 6. (*1*) No woman shall be employed before five o'clock in the morning or after eight o'clock in the evening in any factory in which a system of employment in shifts or sets approved by the local Inspector is not in force.

(*2*) No

(*2*) No woman shall be actually employed in any factory in any one day for more than eleven hours.

(*3*) Every woman shall be allowed an interval or intervals of rest amounting in the aggregate to at least an hour-and-a-half in the day when she is actually employed for eleven hours and to a proportionately less time when she is actually employed for less than eleven hours.

(*4*) The Governor General in Council may from time to time, by notification in the Gazette of India, declare all or any of the foregoing sub-sections of this section not to apply to factories of any class described in the notification or to women employed in any process so described.

" *Children.*

Employment of children

" 7. (*1*) No child shall be employed in any factory if he is under the age of nine years.

(*2*) No child shall be employed in any factory before five o'clock in the morning or after eight o'clock in the evening.

(*3*) No child shall be actually employed in any factory for more than seven hours in any one day.

(*4*) Every child who is actually employed in any factory for six hours in any one day shall be allowed an interval or intervals of rest amounting in the aggregate to at least half-an-hour.

Prohibition of employment of child in certain dangerous work.

" 8. No occupier of a factory shall allow any child to clean any part of the mill-gearing or machinery of such factory while the same is in motion, or to work between the fixed and traversing parts of any self-acting machine while such machine is in motion by the action of the steam-engine, water-wheel or other mechanical power, as the case may be.

Register of children in a factory.

" 9. The Local Government may direct any occupier of a factory to keep, in such form and with such particulars as such Government may from time to time prescribe, registers of the children (if any) employed in such factory, and of their respective employments.

" *Women*

" *Women and Children.*

" 10. (*1*) The occupier shall set up and maintain, in some conspicuous place in the factory, a printed or written notice, in English and the languages of the district in which the factory is situated, showing the times at which such intervals as are required by section 6, sub-section (*3*), and section 7, sub-section (*4*), to be allowed to women and children, respectively, shall be allowed and the length of each interval.

Provisions supplementary to sections 6 and 7.

(*2*) A woman or child shall not be deemed to be actually employed within the meaning of section 6 or section 7 during any such interval as aforesaid.

" 11. No occupier of a factory shall employ therein on any day any woman or child who has to his knowledge already been employed on the same day in any other factory."

Prohibition of employment of woman or child in two factories on same day.

11. In clause (*a*) of section 12 of the said Act the word " or ", where it first occurs, is hereby repealed.

Amendment of section 12, Act XV, 1881.

12. In section 13 of the said Act, after the word " hours " the word " next " shall be inserted, and for the words " such accident " the words " the accident " shall be substituted.

Amendment of section 13, Act XV, 1881.

13. (*1*) In section 14 of the said Act, before the words " the place " the words " and of " shall be inserted.

Amendment of section 14, Act XV, 1881.

(*2*) The words " (if any) " in the same section of the said Act are hereby repealed.

14. For section 15 of the said Act the following shall be substituted, namely :—

Substitution of new section for section 15, Act XV, 1881.

" 15. (*1*) Any person who, in breach of this Act or of any order or rule made thereunder,—

Penalties.

(*a*) employs any person in any factory ;

(*b*) allows any child to perform the work forbidden by, or to work in contravention of, section 8 ;

(*c*) neglects

(*c*) neglects to keep a register in manner prescribed under section 9;

(*d*) neglects to set up or maintain the notice required by section 10, sub-section (*1*);

(*e*) neglects to fence any machinery or mill-gearing in any factory;

(*f*) neglects to maintain a supply of water for the use of persons employed in any factory;

(*g*) neglects to ventilate any factory or to keep any factory in a cleanly state and free from effluvia arising from any drain, privy or other nuisance;

(*h*) suffers any factory to be so overcrowded, while work is carried on therein, as to be injurious to the health of the persons employed therein; or

(*i*) neglects to send any notice or furnish any return,

shall be punished with fine which may extend to two hundred rupees:

Provided that—

(*i*) no prosecution under this sub-section shall be instituted except by, or with the previous sanction of, the local Inspector; and

(*ii*) no person shall be liable under this sub-section to more than one penalty for any one description of offence committed on the same day, except where two or more persons are employed contrary to the provisions of this Act, in which case one penalty may be imposed in respect of each person so employed.

(*2*) Any person who corruptly uses or attempts to use, as a certificate granted to himself under section 5, a certificate granted to another person under that section, or who, having procured a certificate under the said section, corruptly allows it to be used, or an attempt to use it to be made, by another person, shall be

be punished with fine which may extend to twenty rupees."

15. For section 17 of the said Act the following shall be substituted, namely :— Amendment of section 17, Act XV, 1881.

"17. Every occupier of a factory shall be deemed primarily liable for any breach therein of this Act or of any order or rule made thereunder; but he may discharge himself from such liability by proof that such breach was committed by some other person without his knowledge or consent, and in that case the person committing such breach shall be liable therefor." Occupier primarily liable for breaches of Act or orders or rules thereunder.

16. (*1*) For section 18 of the said Act the following shall be substituted, namely :— Amendment of section 18, Act XV, 1881.

"18. (*1*) Subject to the control of the Governor General in Council, the Local Government may from time to time make rules consistent with this Act to provide for— Power to make rules.

(*a*) the fencing of machinery and mill-gearing in factories;

(*b*) the water-supply to be maintained for the use of persons employed in factories;

(*c*) the ventilation of factories and their cleanliness (including lime-washing, painting, varnishing and washing) and freedom from effluvia arising from any drain, privy or other nuisance;

(*d*) the prevention of such overcrowding of factories, while work is carried on therein, as is likely to be injurious to the health of the persons employed therein;

(*e*) the inspection of factories;

(*f*) the manner in which appeals under this Act are to be presented and heard; and

(*g*) otherwise carrying out the purposes of this Act.

(*2*) The Governor General in Council may from time to time make rules requiring occupiers of factories

tories to furnish such returns, occasional or periodical, as may be necessary for the effectual carrying out of this Act.

(*3*) Such rules shall be published in the local official Gazette, or the Gazette of India, as the case may be, and shall thereupon have the force of law.

(*4*) Before making rules under clause (*b*), clause (*c*) or clause (*d*) of sub-section (*1*) of this section the Local Government, and before making rules under sub-section (*2*) of this section the Governor General in Council, shall publish in such manner as may in its or his opinion be sufficient for giving information to persons interested a draft of the proposed rules, with a notice specifying a date (not less remote than two months from the publication of the notice) at or after which the draft will be taken into consideration, and shall consider any objection or suggestion which may be received from any person with respect to the draft before the date so specified."

Amendment of section 19, Act XV, 1881.

17. In section 19 of the said Act, the word "such", where it occurs before the word "factory", is hereby repealed.

Addition of a section to Act XV, 1881

Power to Local Government to extend definition of "factory."

18. To the said Act the following shall be added, namely:—

"20. (*1*) Notwithstanding anything in clause (*b*) of the definition of the word "factory" in section 2, the Local Government may from time to time, by notification in the official Gazette, declare any premises, or premises of any class, which fulfil the other conditions of the said definition, to be a factory for all the purposes of this Act, or for such of those purposes as may be specified in the notification, if the number of persons simultaneously employed in the premises on any day in any manual labour in, or incidental to, any such process as is referred to in the said clause (*b*) is less than fifty and not less than twenty.

(*2*) The Local Government may, by such notification, fix any number below fifty and not below twenty

twenty as the number of persons whose simultaneous employment as aforesaid is to be held to subject premises, as a factory, to all or any of the provisions of this Act and of the orders and rules made thereunder."

XV of 1881.

19. A reference in any enactment or document to the Indian Factories Act, 1881, shall be read as a reference to that Act as amended by this Act.

References to Act XV of 1881 to be read as references to that Act as amended by this Act.

Government of India Central Printing Office.—No 110 L D.—15-4-91.—4,400.—A. E. deS.

ACT No. XII of 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 21st March, 1891.*)

An Act to repeal certain Obsolete Enactments and to amend certain other Enactments.

WHEREAS it is expedient that certain enactments specified in the first schedule to this Act which are spent, or have ceased to be in force otherwise than by express specific repeal, or have by lapse of time or otherwise become unnecessary, should be expressly and specifically repealed;

And whereas it is also expedient that certain formal amendments should be made in the enactments specified in the second schedule to this Act;

It is hereby enacted as follows:—

Title, extent and commencement.

1. (*1*) This Act may be called the Repealing and Amending Act, 1891.

(*2*) Save in so far as it applies expressly or by necessary implication to particular territory only, it extends to the whole of British India, inclusive of Upper Burma and British Baluchistan; and

(*3*) It shall come into force at once.

Enactments in schedules repealed and amended respectively.

2. (*1*) The enactments specified in the first schedule are hereby repealed to the extent mentioned in the fourth column thereof.

(*2*) The enactments specified in the second schedule shall be modified to the extent and in the manner mentioned in the fourth column thereof; but nothing in this sub-section shall affect any Act passed after this Act comes into force by the Governor of Madras in Council, the Governor of Bombay in Council, the Lieutenant-Governor of Bengal in Council or the Lieutenant-

[*Price twelve annas.*]

Lieutenant-Governor of the North-Western Provinces and Oudh in Council.

(3) The modifications hereby made in the Foreign Jurisdiction and Extradition Act, 1879, section 6, and the Cantonments Act, 1889, section 19, shall have effect as from the commencement of those Acts respectively. XXI of 1879. XIII of 1889.

Savings.

3. The repeal by this Act of any enactment shall not affect any Statute, Act or Regulation in which such enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment provide or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

A description or citation of a portion of an Act or Regulation includes the words, section or other part mentioned or referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

Part I.—Acts of the Governor General in Council.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1835	II	Control of officers in Assam, Arakan and Tenasserim.	So much as has not been repealed.
"	VI	Control of Officers in Khasi Hills and Cachar.	So much as has not been repealed.
"	XIX	Assistant to Agent for Sardárs, Dekkhan.	In section 1, *the words* and in the trial of such suits the Assistant shall follow the same rules which are now applicable to the Agent *and the words and figures* under the provisions of Chapter XXII, Regulation IV of 1827 of the Bombay Code.
1836	X	Indigo-contracts .	The whole Act, so far as it applies to Assam.
"	XXVI	Camp Police . .	So much as has not been repealed.
1838	V	Bengal Bonded Warehouse.	*The words* And it is hereby enacted that, *wherever they occur.* In sections 3, 5, 7, 8, 9, 10, 17, 18, 20, 22, 23, 24 and 27, *the word* that *wherever it occurs after the word* and.

THE FIRST SCHEDULE—*contd.*

Part I.— Acts of the Governor General in Council—contd.

1	2	3	4
Year	No.	Subject or title.	Extent of repeal.
1838	V —*contd.*	Bengal Bonded Warehouse	In section 31, *the word* that *where it occurs after the word* but.
„	XXV	Wills . .	In sections 2 to 5, 7 to 29, and 31, *the words* And it is hereby enacted that.
			In section 2, *the words* except so far as relates to His Majesty's colonies and plantations in America.
			In sections 3 and 31, *the word* that *wherever it occurs.*
			In section 4, *the word* that *where it occurs before the words* the power.
			In section 6, *the words* Provided also and it is hereby enacted that.
			Section 30.
1839	VII	Tahsildárs, Madras .	Section 4.
„	XXIV	Ganjam and Vizagapatam.	In section 7, *the word* fourth.
„	XXVII	Execution by the Court of Requests, Calcutta, of decrees of Courts of 24-Pergunnahs.	The whole.
„	XXIX	Dower . .	In sections 2 to 10, 12 and 14, *the words* And it is hereby further enacted that.

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1839	XXIX —*contd.*	Dower . .	In section 11, *the words* and it is hereby further enacted. In section 15, *the words* And it is hereby provided that. Section 13.
,,	XXX	Inheritance . .	*The words* And it is hereby further enacted that *and* And it is hereby further enacted and declared that, *wherever they occur.* In section 7, *the words* also that *and the word* that. In section 13, *the words* And it is hereby provided that.
1840	X	Temple of Jagannath.	So much as has not been repealed.
1841	XXIV	Illusory appointments, &c.	Section 4, so far as it relates to section 10 of the Statute 11 George IV & 1 William IV, chapter 47. Section 5, *from* or any proceedings *to the end.*
1842	IX	Lease and Release.	So far as it has not been repealed.
1844	VI	Land-customs, Madras.	In the title, *the word* abolishing, *the words* transit or *and the words* for revising the duties on imports and exports by sea, and for determining the price at which salt shall be sold for home consumption.

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1846	I	Pleaders . .	In section 6, *the words and figures* Section 25, Regulation XXVII, 1814, of the Bengal Code; Section 25, Regulation XIV, 1816, of the Madras Code; and. In section 13, *the numerals* VII.
1847	IX	Assessment of new lands.	In section 1, *the words* and that all such investigations pending before the Collectors and Deputy Collectors in the said Provinces at the said date shall forthwith be discontinued.
1848	X	Mandvee . .	So much as has not been repealed.
,,	XVIII	Nawáb of Surat .	Section 2. In the schedule, the names and descriptions numbered 1, 2, 3, 5, 6 and 7.
1850	XXV	Forfeited deposits .	In the title, *the words and figures* and Act IV, 1846. In the preamble, *the words* and judgment-debtors, *the words and figures* and in Section V, Act IV, 1846, *and the words* in execution of decrees or.
,,	XXXIV	State Prisoners .	Section 3.
1853	VI	Summary suits for arrears of rent, &c.	In the preamble, *the words and figures from* and whereas it is expedient *to* Act VIII, 1835, *and the words from* and to prevent *to* wrong district.

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1853	VIII	Colaba . .	So much as has not been repealed.
,,	XIX	Evidence . .	In section 26, *the words* in addition to any proceedings under this Act.
1855	X	Witnesses . .	In the title, *the words and figures* and to amend the provisions of Section XL, Act XIX of 1853.
,,	XXIV	Penal Servitude .	In the title, *the words* and to amend the law relating to the removal of such convicts. In the preamble, *the words* and to amend the law relating to the removal of European and American convicts for the purpose of imprisonment.
,,	XXXVII	Sonthal Districts .	In section 1, clause 1, *the words* extend to or affect any case now pending in any Court, nor.
1856	XII	Civil Court Ámíns .	In the preamble, *the words and figures from* and whereas *to* other agency. Section 10, *from* Whenever *to the end.*
,,	XIII	Police . . .	In section 1, *the words and figures from* Sections XXII *to the end.* In section 2, definition of "Local Government," *the words* in the possession and, *the words* the East, *and the word* Company.

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1856	XIII —*contd.*	Police . . .	In section 3, the *words and figure* except as is otherwise provided by Section I of this Act. Form B in the schedule of Forms.
,,	XVIII	Collector of Calcutta.	In the preamble, *the words* should have charge of the collection of the stamp-duty within the town of Calcutta, and that he. Section 1. In section 3, *the words and figures* the said Regulation, or under Act XI of 1849, or.
,,	XX	Chaukidárs . .	In sections 10, 21, 33, 34, 36 and 59, *the words* of Circuit. Section 60.
,,	XXII	Tolls, Karatoyá River.	In section 5, *the words and figures* Regulation I of 1824, or of.
1857	II	Calcutta University.	In section 1, *the words* in the possession and, *the words* the East, *and the word* Company.
,,	IV	Tobacco, Bombay Town.	Section 2, *from* and such duty *to the end.* Section 5, *from* The import-duty *to the end.*
,,	XIII	Opium	In the preamble, *the words* that certain obsolete Regulations relating to the provision of opium should be formally repealed, and.

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No	Subject or title.	Extent of repeal.
1857	XXI	Howrah	Section 54, the second proviso. Section 58.
,,	XXII	Bombay University.	In section 1, *the words* in the possession and, *the words* the East, *and the word* Company.
,,	XXV	Forfeiture of property.	In the title, *the words* to render officers and soldiers in the Native Army liable to forfeiture of property for mutiny, and. In the preamble, *the words* to render officers and soldiers in the Native Army, who shall be convicted of mutiny, subject to the forfeiture of all their property, and.
,,	XXVII	Madras University .	In section 1, *the words* in the possession and, *the words* the East, *and the word* Company.
1858	III	State Prisoners .	Section 4. In section 5, *the words* in the possession and, *the words* the East, *and the word* Company
,,	XXXVII	Nawab of the Carnatic.	The preamble, *from* and that *to* commencement of this Act. Section 2. Schedules B and C.
1859	IX	Claims to property seized as forfeited.	In the preamble, *the words from* to make provision *to* also expedient.

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year	No.	Subject or title	Extent of repeal.
1859	X	Rent . . .	The schedule, Forms E and F.
,,	XI	Sales of land for arrears of revenue.	Section 4. In section 53, *the words and figures* sharers in estates under butwarah who may have saved their shares from sale under sections XXXIII and XXXIV, Regulation XIX, 1814, and
1860	XIV	King of Oudh .	The whole.
,,	XXII	Hill Tracts of Chittagong.	Section 1, proviso.
,,	XXIII	Amending Act XXI of 1856 (Abkari).	The whole Act, so far as it applies to Assam.
,,	XLV	Indian Penal Code .	In section 1, *the words and figures* on and from the first day of May, 1861. In sections 1 and 15, *the words* except the Settlement of Prince of Wales' Island, Singapore and Malacca. In sections 2 and 4, *the words and figures* on or after the said first day of May, 1861. In section 410, *the word* the, *where it occurs after the word* which.
1862	VIII	King of Oudh .	So much as has not been repealed.
1863	XVI	Spirits used in Manufactures, &c.	Section 8.

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council.—contd.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1864	XVII	Official Trustees .	Section 3.
1865	VII	Government Forests Act, 1865.	The whole Act, so far as it has not been repealed by the Indian Forest Act, 1878, and the Lower Burma Forest Act, 1881.
"	X	Indian Succession Act, 1865.	In section 3, *the words* other than the Settlement of Prince of Wales' Island, Singapore and Malacca.
1866	XXI	Native Converts' Marriage Dissolution Act, 1866.	In section 35, *the words* except the Settlement of Prince of Wales' Island, Singapore and Malacca. In the first schedule, *the words* Rs. two.
"	XXV	Transfer to Government of deposits in High Courts.	In the preamble, *the words* or in the late Supreme Courts at Calcutta, Madras and Bombay, respectively, *and the words* now or hereafter. In section 1, *the words* or of the late Supreme Courts of Calcutta, Madras and Bombay, *and the words* now or hereafter.
1867	XXII	Saráis Act, 1867 .	Section 1. In section 17, *the words* and the Settlement of Prince of Wales' Island, Singapore and Malacca.
"	XXIII	Murderous Outrages, Punjab.	Section 17.

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year	No	Subject or title.	Extent of repeal.
1867	XXV	Printing Presses and Books.	In section 1, *the words* other than the Settlement of Prince of Wales' Island, Singapore and Malacca.
1868	I	General Clauses Act, 1868.	In section 2, clause (8), *the words* other than the Settlement of Prince of Wales' Island, Singapore and Malacca.
,,	V	Commissioner in Sindh.	The schedule, so far as it relates to Act XXVI of 1850.
,,	XVIII	Small Cause Jurisdiction, Nílgiris.	So much as has not been repealed.
,,	XXI	Nawáb of the Carnatic.	The whole.
1869	XIV	Bombay Civil Courts Act, 1869.	In section 32, proviso, clause (*b*) [added by Act XV of 1880, section 3], *the words and figures* or selected under Act No. XX of 1864 (*for making better provision for the care of the persons and property of minors in the Presidency of Bombay*), section 9, *and the words* or selection.
1870	VII	Court-fees Act, 1870	In section 3, *the word* sixteen. In section 7, paragraph iv, last clause, *the words* and the provisions of the Code of Civil Procedure, section thirty-one, shall apply as if for the word 'claim' the words 'relief sought' were substituted.

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1870	VII —*contd.*	Court-fees Act, 1870	Section 10, clause iii. Section 19, clause ii. In section 19C (inserted by Act XIII of 1875, section 6), first line, *the word* such. In section 19G (inserted by Act XIII of 1875, section 6), *the words and figures* after the first day of April, 1875, or. Sections 24 and 32. Schedule II, Articles 8 and 9.
„	XXI	Hindu Wills Act, 1870.	In section 6, *the words* and Parts.
„	XXVI	Prisons Act, 1870 .	In section 9, *the words* (subject to the approval of the Governor General of India in Council).
„	XXVII	Amending the Indian Penal Code.	Sections 7, 9 and 14.
1871	II	Extending the Prisons Act, 1870, to Coorg.	So much as has not been repealed.
„	IV	Coroners' Act, 1871 .	Section 4, the second paragraph.
„	XXI	Dehrá Dun . .	Section 1, *from* and no judgment *to the end.* In section 2, *the words* and shall be deemed to have been heretofore authorized to exercise.

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1871	XXI —*contd.*	Dehrá Dun . .	In section 3, *the words* shall be deemed to have been heretofore the District Court of the said district of Dehrá Dun, and, *and the words and figures* and may, subject to the provisions of Act VI of 1871, hear appeals from decisions given in the said district before the passing of this Act. In section 4, *the words and figures* and referred to in section eleven of Act XXIV of 1864.
„	XXII	Amending Act XX of 1856 (Chaukidárs).	Section 5. In section 6, *the words* but shall not take effect within the territories subject to the Lieutenant-Governor of Bengal.
„	XXIII	Pensions Act, 1871 .	Section 1, *from* but not so as to affect *to the end.*
„	XXVI	Land Improvement Act, 1871.	The whole Act, so far as it applies to the Andaman and Nicobar Islands and the Pargana of Manpur.
1872	IV	Punjab Laws Act, 1872.	Section 33. Section 39G (inserted by Act XV of 1875, section 2). The first schedule, so far as it relates to Act XVII of 1861.

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1872	XV	Indian Christian Marriage Act, 1872.	In section 68 (as amended by Act II of 1891, section 6), *the words "and to amend the law relating to the removal of such convicts."*
1873	III	Madras Civil Courts Act, 1873.	In section 13, *the words and figures* or appeals under Madras Regulation XI of 1832, section nine. Section 29, the second and third paragraphs.
"	IV	Punjab Municipal Act, 1873.	So far as it has not been repealed.
"	V	Government Savings Banks Act, 1873.	In section 5, *the words* the said.
"	XVI	North-Western Provinces Village and Road Police Act, 1873.	In section 1, *the words and figures* So far as regards the repeal of Act No. III of 1869, this Act extends to the whole of British India: the rest of.
"	XIX	North-Western Provinces Land-revenue Act, 1873.	Section 2, the third paragraph.
"	XX	Prince of Arcot's Privilege Act, 1873.	The whole.
1874	I	Quieting of titles, North - Western Provinces.	The whole.
"	III	Married Women's Property Act, 1874.	In section 9, *the words* affect any suit instituted before the passing of this Act, nor.

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year	No	Subject or title	Extent of repeal
1874	VIII	Exercise of Powers in Assam.	Section 3.
"	XIV	Scheduled Districts Act, 1874.	In section 10, *the words and figures* and No. XXV of 1869. In the first schedule, Part I, No I, *the figure and words* (9) the Chighatti Maliah. The first schedule, Part XIII.
"	XV	Laws Local Extent Act, 1874.	Section 8, clause (*f*) The first schedule, so far as it relates to Acts IX of 1842, XVIII of 1854 VIII of 1859, XIV of 1859, XV of 1859, XXIII of 1861, VI of 1863, X of 1866 and X of 1868. The second schedule, so far as it relates to Madras Regulations III of 1802, section 11, I of 1805, II of 1807, IV of 1816, IX of 1816 and XIV of 1816 and Acts XVII of 1840, VII of 1852 and XI of 1869. The third schedule, so far as it relates to Bombay Regulations XII of 1827, preamble, XVI of 1827 and XXI of 1827 and Acts XI of 1843, III of 1852 and XXI of 1852.

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1874	XV —*contd.*	Laws Local Extent Act, 1874.	The fourth schedule, so far as it relates to Bengal Regulations XLVIII of 1793, III of 1794, section 12, XV of 1797, I of 1798, XVII of 1806, XI of 1811, XIX of 1814, XX of 1817, sections 28 and 32, and VI of 1819 and Acts XX of 1836, XI of 1838, XX of 1856, XXI of 1856 and XXIII of 1860. The fifth schedule, so far as it relates to Bengal Regulations I of 1798, XVII of 1806, XIX of 1810, V of 1817, VI of 1819, VI of 1831 and XI of 1831, sections 4 and 8. In the sixth schedule, Part I, No. I, the *figure and words* (9) the Chighatti Maliah. The sixth schedule, Part XIII.
1875	XIII	Probates and Letters of Administration.	Section 1. So much of section 6 as directs the insertion of section 19H in the Court-fees Act, 1870.
,,	XV	Punjab Laws Amendment Act, 1875.	Section 2, so far as it applies to the Punjab and relates to sections 39A and 39B. Section 2, so far as it relates to section 39G.

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1875	XX	Central Provinces Laws Act, 1875.	Section 2, proviso. In the third column of Part A of the schedule, in the entry opposite Regulation XI of 1806, *the words and figures* and with the exception, in section VIII, of the words and figures "under the rules prescribed by Regulation V, 1804." The schedule, so far as it relates to Bengal Regulation VI of 1819 and Act XVIII of 1853.
1876	X	Bombay Revenue Jurisdiction Act, 1876.	Section 2, and the schedule referred to therein.
"	XII	Repealing Act, 1876	The whole.
"	XVII	Oudh Land-revenue Act, 1876.	In section 150, *the words* stamped or. Section 178, clause (*p*).
"	XVIII	Oudh Laws Act, 1876.	Sections 17, 18 and 41. In the third column of Part I of the second schedule, in the modifications of Regulation XXXIII of 1803, *the words* for "city" read "jurisdiction," *and the words and figures* In section IV, omit the words "or in either of the cities of Patna, Dacca or Moorshedabad."

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title	Extent of repeal
1876	XVIII —*contd.*	Oudh Laws Act, 1876.	In the third column of Part I of the second schedule, in the modifications of section 8 of Regulation XI of 1806, *the words and figures* and omit the words and figures "(under the rules prescribed by Regulation V, 1804)" and "in Regulation XXVII, 1803." The second schedule, so far as it relates to Bengal Regulation VI of 1819 and Act XIII of 1857, section 2.
"	XXI	Amending the Land Improvement Act, 1871.	The whole Act, so far as it applies to the Andaman and Nicobar Islands and the Pargana of Manpur.
"	XXIII	Opium Act, 1876 .	The whole Act, so far as it applies to the Andaman and Nicobar Islands and the Pargana of Manpur.
1877	I	Specific Relief Act, 1877.	Section 2 In section 9, *the words* instituted within six months from the date of the dispossession. The schedule.
"	II	Amending Act XIII of 1875 (Probates and Letters of Administration).	Section 2.

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year	No.	Subject or title.	Extent of repeal.
1877	III	Indian Registration Act, 1877.	Section 84, the last paragraph.
"	VI	Postponing operation of the Opium Act, 1876.	The whole Act, so far as it applies to the Andaman and Nicobar Islands and the Pargana of Manpur.
"	XI	Military Lunatics Act, 1877.	Sections 2 and 9.
"	XV	Indian Limitation Act, 1877.	Section 2, *down to the word* But. Section 2, the third paragraph. The first schedule.
"	XIX	District Judges .	In the preamble, *the words* the District Judges of the Lower and the North-Western Provinces of the Presidency of Fort William, and.
1878	I	Opium Act, 1878 .	Section 2, the first and second paragraphs. The schedule.
"	VI	Indian Treasure-trove Act, 1878.	Section 2. The schedule.
"	XI	Indian Arms Act, 1878.	Sections 8 and 9. Section 14, the last three paragraphs. The second schedule.

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal
1878	XII	Amending the Punjab Laws Act, 1872.	Section 6. Section 7, *from* All penalties *to the end.*
„	XIV	Assimilation of Powers, North-Western Provinces and Oudh.	In the preamble, *the words* and whereas doubts have arisen as to the validity of certain acts done since the said union, and it is expedient to remove such doubts. Section 4, the first paragraph. Section 5, the first paragraph. Sections 7 and 8.
„	XVII	Northern India Ferries Act, 1878.	Section 36.
1879	I	Indian Stamp Act, 1879.	Section 2, *down to the word* But. Schedule II, Article 2, clauses (*b*) and (*e*). Schedule II, Article 10. Schedule II, Article 11, clause (*b*). Schedule III.
„	III	Destruction of Records Act, 1879.	Section 9. The schedule.
„	VII	Punjab Additional Financial Commissioner's Act, 1879.	The whole.

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1879	XII	Amending the Code of Civil Procedure, the Registration Act, 1877, and the Limitation Act, 1877.	In the title, *the words* the Code of Civil Procedure. The first preamble. Section 108, so far as it refers to Nos. 171, 171A, 171B and 171C of the second schedule to the Indian Limitation Act, 1877.
"	XVII	Dekkhan Agriculturists' Relief Act, 1879.	Section 48, the second paragraph (inserted by Act XXIII of 1881, section 10).
"	XIX	Raipur and Khattra Laws Act, 1879.	Section 3.
"	XX	Glanders and Farcy Act, 1879.	Section 15.
1880	VII	Indian Merchant Shipping Act, 1880.	In section 72 (as amended by Act VI of 1891, section 6), *the word* But.
"	IX	Bombay Civil Courts Act, 1880.	Section 3.
"	XIV	Indian Census Act, 1880.	The whole.
"	XV	Bombay Revenue Jurisdiction Act, 1880.	The preamble *from* and to make *to* 1871.
1881	II	Pegu and Sittang Canal Act, 1881.	Section 22.

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1881	V	Probate and Administration Act, 1881.	In section 152, *the words* the said.
"	IX	Administrator General's Act, 1881.	So much of section 5 as has not been repealed. Section 6, *from* and the words *to the end.*
"	XIII	Fort William Act, 1881.	Section 9.
"	XIV	Benares Family Domains Act, 1881.	Sections 2 and 14.
"	XVIII	Central Provinces Land-revenue Act, 1881.	Sections 2 and 3. Section 136W (inserted by Act XVI of 1889, section 26). The schedule.
"	XIX	Lower Burma Forest Act, 1881.	Section 2. The schedule.
"	XXIII	Dekkhan Agriculturists' Relief Act, 1881.	Sections 4, 5 and 16.
"	XXV	Banki Laws Act, 1881.	Section 3. In section 4, *the words and figures from* And in the following Bengal Regulations *to the end.*

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No	Subject or title.	Extent of repeal.
1881	XXVI	Negotiable Instruments Act, 1881.	Section 2. The schedule.
1882	I	Inland Emigration Act, 1882.	Section 2, the first paragraph. In section 2, second paragraph, *the words* the said. Section 193.
,,	II	Indian Trusts Act, 1882.	Section 36, the second paragraph. In the schedule, *the figures* 39.
,,	III	Seditious Publications Act, 1882.	Section 2.
,,	VII	Powers-of-attorney Act, 1882.	Section 6.
,,	X	Code of Criminal Procedure, 1882.	Section 311. In section 549, *the figures* 1881, *in both places in which they occur.* Section 558.
,,	XII	Indian Salt Act, 1882.	In section 11, *the words and figures* or under section 11 of the Inland Customs Act, 1875.
,,	XIV	Code of Civil Procedure.	Section 539, the last paragraph.
,,	XV	Presidency Small Cause Courts Act, 1882.	In section 1, *the figures* 1881.

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1882	XIX	Punjab University Act, 1882.	Section 22.
,,	XXII	Dekkhan Agriculturists' Relief Act, 1882.	Sections 17 and 19.
1883	III	Repealing Act XXVII of 1854 (Názim of Bengal).	The whole.
,,	V	Indian Merchant Shipping Act, 1883.	In section 2, sub-section (2), *the words* proceedings commenced *and the word* commenced.
,,	VII	Repealing the Lower Burma Labour Law, 1876.	The whole.
,,	VIII	Little Cocos and Preparis Islands Laws Act, 1883.	Section 3.
,,	IX	Central Provinces Tenancy Act, 1883.	Section 1, the last paragraph, *beginning with* Nevertheless. Section 2. The schedule.
,,	XIII	Indus Valley State Railway Lands.	Section 1.
,,	XIV	North-Western Provinces and Oudh Local Boards Act, 1883.	Sections 57 and 60.

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title	Extent of repeal
1883	XV	North-Western Provinces and Oudh Municipalities Act, 1883.	Section 5, *from* and shall *to the end.*
„	XIX	Land Improvement Loans Act, 1883.	Section 12, sub-section (*2*).
1884	I	Honorary Degrees .	Section 1.
„	II	Unregistered instruments of partition, Madras.	In section 2, proviso, *the words* within three years after the date on which this Act comes into force, or *and the words* if the transfer is made after this Act comes into force.
„	III	Criminal Procedure Code Amendment Act, 1884.	Section 6.
„	IV	Indian Explosives Act, 1884.	Section 2, sub-section (*2*).
„	V	Amending the Chutiá Nágpur Encumbered Estates Act, 1876.	Section 8, clause (*a*). Section 10.
„	VI	Inland Steam-vessels Act, 1884.	In section 3, sub-section (*2*), *the words* proceedings commenced *and the word* commenced.
„	VII	Indian Steam-ships Act, 1884.	Section 2, sub-section (*2*).

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1884	VIII	Repealing Bengal Regulation XIX of 1810 in the North-Western Provinces.	The whole.
„	IX	Legal Practitioners' Act, 1884.	Section 10, sub-section (*2*).
„	XIV	Validation of Settlement-officers' Decisions, Punjab.	The whole.
„	XX	Amending the Indian Salt Act, 1882.	The whole.
„	XVII	Lower Burma Municipal Act, 1884.	Section 5, *from* and shall *to the end of clause* (*b*). Section 14, clauses (*a*) and (*b*).
„	XVIII	Punjab Courts Act, 1884.	Section 1, sub-section (*4*). Sections 2, 68 and 69. The schedule.
„	XIX	Rangoon Waterworks Act, 1884.	Section 1, sub-section (*3*).
„	XXI	Straits Settlements Emigration.	The whole.
1885	II	Negotiable Instruments Act, 1885.	Section 7. Section 8, clause (*b*), *and the word* and *at the end of clause* (*a*).

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1885	VII	Pánch Máháls Laws Act, 1885.	Section 4 *from* and in Part II *to the end.*
"	IX	Tariff; Excise; Sea-customs.	In the title and preamble, *the words and figures* to repeal part of section 6 of the Indian Tariff Act, 1882, and. Section 1.
"	XII	Indian Sea Passengers' Act, 1885.	Section 2.
"	XVI	Central Provinces Civil Courts Act, 1885.	Section 1, sub-section (*4*). Sections 24 and 25.
"	XVII	Central Provinces Government Wards Act, 1885.	Section 2.
"	XX	Postponing temporarily the operation of certain provisions of the Bengal Tenancy Act, 1885.	The whole.
1886	II	License-tax Amendment.	Section 1, sub-section (*3*). The second schedule, Part III, clause (*b*).
"	IV	Amending the Indian Contract Act, 1872.	Section 2.
"	V	Mirzapur Stone Mahál Act, 1886.	Section 1, sub-section (*3*). Sections 2 and 19.

THE FIRST SCHEDULE—*contd.*

Part. I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1886	VI	Births, Deaths and Marriages Registration Act, 1886.	Section 1, sub-section (*3*).
"	X	Amending the Code of Criminal Procedure, 1882, &c.	Section 20. Section 24, sub-section (*2*).
"	XIII	Indian Securities Act, 1886.	Section 1, sub-section (*3*).
"	XIV	North-Western Provinces Rent Act, 1886.	Section 6. In section 7, *the words* the word "other" is repealed; and in *and the words* of the same section.
"	XVIII	Amending Act XXXVI of 1858 (Lunatic Asylums).	Section 3, so far as it relates to section 17A.
"	XX	Upper Burma Laws Act, 1886.	In section 1, sub-section (*2*), *the words* within four months from the passing of the Act. Section 5. The first schedule. The second schedule, First Part, so far as it relates to Act V of 1881, section 153.
"	XXII	Oudh Rent Act, 1886.	Section 1, sub-section (*4*).
"	XXIII	Dekkhan Agriculturists' Relief Act, 1886.	Section 10, sub-sections (*1*) and (*2*).

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal
1886	XXIII —*contd.*	Dekkhan Agriculturists' Relief Act, 1886.	Section 12, sub-section (*2*). Section 13.
"	XXIV	Extension of the Glanders and Farcy Act, 1879, to Bombay.	The whole.
1887	II	Sea-customs; Excise; Tariff.	Sections 7 and 9.
"	IV	Indian Museum Act, 1887.	Section 2.
"	VII	Suits Valuation Act, 1887.	Section 10.
"	VIII	Abolishing Military Courts of Requests.	The whole.
"	IX	Provincial Small Cause Courts Act, 1887.	Section 2, *down to the word* But. In section 17, sub-section (*1*), *the words* as amended by this Act. The first schedule.
"	XII	Bengal, North-Western Provinces and Assam Civil Courts Act, 1887.	Section 2, *down to the word* But.
"	XVI	Punjab Tenancy Act, 1887.	Sections 2 and 3. Section 4, clause (*11*), sub-clause (*a*). The schedule.

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THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1887	XVII	Punjab Land-revenue Act, 1887.	Section 1, sub-section (*2*). Section 3, clause (*9*), sub-clause (*a*).
1888	VI	Debtors Act, 1888 .	Section 9.
"	VII	Civil Procedure Code Amendment Act, 1888.	Sections 4, 25, 29 and 41. Section 49, sub-section (*1*). Section 50. Section 52, sub-section (*1*). Sections 56 and 57. In section 65, sub-section (*3*), *the words "the Code of Civil Procedure."* Section 66, sub-section (*2*).
"	VIII	Tolls . . .	In section 5, *the words* the words "and the Governor of the Presidency of Bombay in Council" are hereby repealed, and.
"	IX	Repealing enactments relating to contagious diseases.	The whole.
"	X	Amending the Code of Civil Procedure and the Presidency Small Cause Courts Act, 1882.	Section 4.

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1888	XIII	Punjab Courts Act, 1888.	Section 3.
"	XVI	Repealing Act VII of 1867 and Madras Regulation XIV of 1832.	The whole.
"	XIX	Amending the Lower Burma Municipal Act, 1884.	Section 3.
1889	V	Coroner of Madras .	Section 3, sub-section (*2*). Section 4, sub-section (*1*).
"	VI	Probate and Administration Act, 1889.	Section 9, sub-section (*2*). Section 18, sub-section (*1*). Section 21.
"	XI	Lower Burma Courts Act, 1889.	The first and second schedules, so far as they relate to Regulation VII of 1886.
"	XII	Amending the Indian Merchandise Marks Act, 1889.	The whole.
"	XIII	Cantonments Act, 1889.	In sections 3, 21 and 26, the *figures* 1881, *wherever they occur.*

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1889	XVI	Central Provinces Land-revenue Act, 1889.	Section 3. In section 26, *the words and figures* Section 136 is hereby repealed, and. Section 26, so far as it relates to section 136W. Section 29, sub-section (*2*), *from* and the last *to the end.* Sections 30, 31 and 36.
"	XVII	Central Provinces Tenancy Act, 1889.	Section 3.
"	XX	Amending Act XXXVI of 1858 (Lunatic Asylums).	Section 3.
1890	II	Amending Act XVII of 1864, &c.	Section 11, sub-section (*2*).
"	III	Amending the Inland Steam-vessels Act, 1884, and the Indian Steamships Act, 1884.	Section 3. Section 4, sub-section (*1*). Sections 5 and 16. Section 17, sub-section (*1*). Section 18.
"	V	Forest Act, 1890 .	Section 21.

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1890	X	Amending Act XXV of 1867 (Printing-presses and Books).	Sections 1, 2 and 7.
"	XVIII	Amending the Indian Emigration Act, 1883.	Section 6.
"	XIX	Amending the Indian Salt Act, 1882.	Section 5, and the preamble prefixed thereto.
"	XX	North-Western Provinces and Oudh Act, 1890.	Section 17. Section 21, sub-section (*2*). Section 35. Section 43, *from* and the word "Oudh" *to the end.* Sections 48, 50 and 56.
1891	II	Amending the Indian Christian Marriage Act, 1872.	Section 1, sub-section (*4*). Section 4, sub-section (*2*).
"	IV	Amending the Code of Criminal Procedure, 1882.	Sections 1 and 3.
"	VI	Amending certain Acts respecting Indian Merchant Shipping.	Section 12.

THE FIRST SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—concld.

1	2	3	4
Year	No	Subject or title.	Extent of repeal
1891	VII	Amending Act X of 1841.	Section 1. In section 5, *the words* the words "or the East India Company" are hereby repealed, and. Section 6, sub-section (*1*). In section 8, *the words* the words "issued under the Company's seal and" are hereby repealed, and.

Part II—Acts of the Lieutenant-Governor of Bengal in Council.

1	2	3	4
Year.	No	Subject or title.	Extent of repeal.
1866	I	Amending Bengal Regulation VI of 1819 (Ferries).	The whole Act, so far as it applies to Assam.
"	V	Hackney Carriages.	The whole Act, so far as it applies to Assam.
1867	II	Gambling . .	The whole Act, so far as it applies to Assam.
1875	V	Bengal Survey Act, 1875.	The whole Act, so far as it applies to Assam.

THE FIRST SCHEDULE—*contd.*

Part III.—Regulations of the Bengal Code.

1	2	3	4
Year.	No.	Subject.	Extent of repeal.
1793	XIX	Title to Non-bádsháhi Lákhiráj Grants.	In section 4, *the word and figures* and XXI.
"	XXXVIII	Loans by Civil Servants.	The title, *from* and for re-enacting *to the end.* Section 1, *from* From a regard *to* remained in force.
1794	III	Revenue arrears .	In the title, *the words* for exempting proprietors of land (with certain exceptions) from being confined for arrears of revenue; and *and the words* and for expediting the trial of causes relating to the public revenue or the rents of individuals.
1795	I	Benares Permanent Settlement.	The title, *from* and for extending *to* 1793.
"	XV	Referring cases to Raja of Benares.	The title, *from* for extending *to* Section X; and.
"	XXVII	Benares Permanent Settlement.	The title, *from* and for continuing *to* functions.
1799	I	Trade on Sylhet Frontier.	So much as has not been repealed.
"	V	Wills and Intestacies.	In the title, *the words* and City.
1800	VIII	Registers of estates .	The title, *from* preparing *to* prescribed.

THE FIRST SCHEDULE—*contd.*

Part III.—Regulations of the Bengal Code—contd.

1	2	3	4
Year.	No.	Subject.	Extent of repeal.
1801	I	Division of joint estates.	The title, *from* to explain and amend part *to* such sales, *from* contained in Regulation XXV, 1793, *to* Regulation XXVI, 1795), *and from* and to fix *to the end.* In section 8, *the words and figures* by *clause First* of Section XXIX, Regulation VII, 1799, or any other Regulation. In section 14, *the words and figures from* The rules contained in *to* affected by this Regulation, *the words* It is further hereby declared that, *and the words and figures from* This declaration *to* portions thereof.
1804	X	State-offences .	In section 2, *the words* declared to be. In section 3, *the words* It is hereby further declared that.
1805	XII	Settlement, Cuttack.	In section 30, *the words and figures from* The rules *to* this Regulation, *the words* Provided however that, *the words and figures* under Section IV, Regulation XXIV, 1793, *and the word* likewise.
1806	XI	Assistance to marching troops and to travellers.	The title, *from* and for extending *to the end.* Section 1, *from* And whereas it is further necessary *to* Section XII, Regulation I, 1804.

THE FIRST SCHEDULE—*contd.*

Part III.—Regulations of the Bengal Code—contd.

1	2	3	4
Year.	No.	Subject.	Extent of repeal.
1806	XI —*contd.*	Assistance to marching troops and to travellers.	In section 8, *the words and figures* (under the rules prescribed by Regulation V, 1804).
1812	XVIII	Leases; Apportionment of Assessment on partition.	In section 3, clause *Second, the words and figures* and Section VII, Regulation XXVII, 1795.
"	XXII	Territories bordering on Bandelkhand.	The title, *from* and for annexing *to* Calenger. Section 1. In section 2, *the words* Ditto of Rajah Kisseree Sing, the Rajah of Jeytpore, *the words* Ditto of Chobey Salligram, jaghiredar of Cusbah Poorwah, &c., *and the words* Ditto of Pursram Bahadur, jaghiredar of Khuddee, &c. Sections 3 and 4.
1816	V	Kánúngos . .	The whole Regulation, so far as it applies to Assam.
1817	XII	Patwaris . .	In section 32, *the words* reporting, however, the amount for the information of the Governor General in Council *and the words* when confirmed by Government. The whole Regulation, so far as it applies to Assam.
"	XX	Police . . .	The title, *from* for modifying *to the end.*

THE FIRST SCHEDULE—*contd.*

Part III.—Regulations of the Bengal Code—contd.

1	2	3	4
Year.	No.	Subject.	Extent of repeal.
1817	XX —*contd.*	Police . . .	In the heading prefixed to section 30, *the word* badges *and the words* and insane persons.
			Forms Nos. 1, 4, 5, 7, 9 to 12 and 15 to 21 in the Appendix.
1819	I	Kánúngos and Patwáris.	The title, *from* for replacing *to* Gorakhpur.
			Section 4, clause *Fifth, from* anything *to the end.*
			The whole Regulation, so far as it applies to Assam.
"	II	Resumption of revenue-free lands.	In section 4, *the words and figures* and Regulations XLI and XLII of 1795, Regulations XXXI and XXXVI of 1803, Regulations VIII, *and the words and figures from* nor to alter *to the end.*
			In section 12, *the figures* XXVI.
			Section 29.
"	VIII	Patni Taluqs .	The title, *from* and to explain *to the end.*
			The preamble, *from* It has been likewise deemed advisable *to* defaulters.
1821	IV	Powers of Collectors and Magistrates.	The title, *from* for authorising a Collector *to* Also.
1822	VII	Settlement, Cuttack, &c.	The title, *from* for continuing *to* five years.

THE FIRST SCHEDULE—*contd.*

Part III.—Regulations of the Bengal Code—contd.

1	2	3	4
Year.	No.	Subject.	Extent of repeal.
1822	XI	Non-liability of Government for errors of Courts, &c.	The title, *from* for modifying *to* arrears of revenue.
1823	VI	Indigo-contracts .	The preamble, *from* Under the rules *to* drawing up the agreement. In section 3, clause *Fourth, the words* or other officer. In section 3, clause *Fifth, the words* or other tribunal trying the case. In section 3, clauses *Sixth, Seventh* and *Ninth, the words* or other officer trying the case. In section 3, clause *Ninth, the words* or other person trying the case. The whole Regulation, so far as it applies to Assam.
1825	IX	Defaulting malguzars.	The preamble, *from* and wherens the rules *to* sanctioned by Government. In section 2, clause *First, the words and figures* and Regulations II and XXII, 1795. In section 3, *the words* and Benares. Section 8, *from* Section XI, Regulation XXXI, 1803, *to* Conquered Provinces. Section 9.

THE FIRST SCHEDULE—*concld.*

Part III.—Regulations of the Bengal Code—concld.

1	2	3	4
Year.	No.	Subject.	Extent of repeal.
1825	XIII	Settlement of resumed Lakhiraj land.	In section 2, *the figures and words* IV, 1808, Regulations II and. In section 4, *the words and figures* or the second clause of Section VIII, Regulation XLI, 1795, in the province of Benares. In section 5, *the figures and word* XLII, 1795, and XXXVI, 1803.
1830	V	Indigo-contracts .	The title, *from* for amending *to* contracts. The preamble, *down to* indigo crops ; and. The whole Regulation, so far as it applies to Assam.
1831	VI	Sadr Adalat . .	So much as has not been repealed.
,,	XI	Police-powers of Tahsildárs.	The preamble, *from* Whereas by Regulation IV, 1821, *to* Magistrates ; and *and from* and whereas it is expedient *to* police officers.

THE SECOND SCHEDULE.

ENACTMENTS AMENDED.

A description or citation of a portion of an Act or Regulation includes the words, section or other part mentioned or referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

Part I.—Acts of the Governor General in Council.

1	2	3	4
Year.	No.	Subject or title	Amendment.
1835	XIX	Assistant to Agent for Sardárs, Dekkhan.	*Add the following section* :— 2. The provisions of the Code of Civil Procedure relating to appeals to a High Court from decrees passed in appeal shall apply, so far as may be, to appeals to the Governor in Council under this Act. (Procedure in appeals to Governor of Bombay in Council.)
1839	VII	Tahsíldárs, Madras.	In section 6, *for* the three last preceding sections *read* sections 3 and 5.
1846	1	Pleaders . .	In section 7, *for* the sections of Regulations *read* the section of the Regulation.
1850	XIX	Binding Apprentices.	In section 11, *for* section VIII *read* section 9. In section 20, *for* and, *where the word occurs before* administrators, *read* or.
1851	XII	Land-revenue, Madras Town.	In the preamble and section 1, *for* within the limits of the Town of Madras as defined in Section XII, Regulation II of 1802 of the Madras Code *read* within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Madras.

THE SECOND SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Amendment.
1856	VIII	Control of Gaols .	In the title and preamble, *for* Presidencies of Fort St. George and Bombay *read* Presidency of Bombay. In section 2, *for* each of the said Presidencies *read* the said Presidency.
„	XX	Chaukidárs . .	In section 38 (as amended by Act XXII of 1871, section 3), *for* Commissioners of Circuit *read* Commissioner.
1857	XXV	Forfeiture of property.	In section 2, *for* by this Act, or Act XI of 1857, or Act XIV of 1857, or Act XVI of 1857, *read* by the Indian Penal Code, section 121 or section 122, or the Indian Articles of War, Article 24.
1858	XXXVII	Nawáb of the Carnatic.	*For the list of names in Schedule A, read the following* :— 1. Her Highness Nawáb Khair-un-Nissa Begam. 2. Nawáb Ahmad-un-Nissa Begam. 3. Nawáb Qadiria Begam. 4 Rahim-un-Nissa Begam. 5. Ammak-ul-Ali Aliyat-un-Nissa Begam.

THE SECOND SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Amendment.
1859	I	Merchant Seamen .	In section 62, *for* Act XX of 1841 (*for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons*) *read* the Succession Certificate Act, 1889. In section 115, *for* Sections XXI and XXII of this Act *read* Chapter IV of the Indian Merchant Shipping Act, 1883, and section 22 of this Act.
1860	XXVIII	Boundary-marks, Madras.	In section 4, *for the words and figures from* in the same manner *to the end, read* in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts.
,,	XLV	Indian Penal Code .	In section 307, Illustration (*c*), *after* of *insert* the first paragraph of.
1863	XX	Religious Endowments.	In section 3, *for* Section I *read* the preamble to this Act.
1864	III	Foreigners . .	In section 24, *for the words and figures from* according *to the end, read* be recovered in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts.
1865	X	Indian Succession Act, 1865.	In section 242, *after* is *insert* or are.

THE SECOND SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year	No.	Subject or title.	Amendment.
1867	III	Gambling . .	In the preamble, *after* Fort William *insert* and. In section 2, *for* Sections 13, 17 and 18 *read* Sections 13 and 17.
"	XXIII	Murderous Outrages, Punjab.	In section 10, *for* the Punjab Chief Court Act, 1866, *read* in any other enactment for the time being in force.
"	XXV	Printing Presses and Books.	In section 3, *before* of the publisher *insert* the name.
1868	V	Commissioner in Sindh.	In the schedule, *for* Act VII of 1854 (for the apprehension within the territories under the Government of the East India Company of persons charged with the commission of heinous offences beyond the limits of the said territories, and for delivering them up to justice, and to provide for the execution of warrants in places out of the jurisdiction of the authorities issuing them) *read* The Foreign Jurisdiction and Extradition Act, 1879; *and for* Act VII of 1865 (to give effect to rules for the management and preservation of Government forests) *read* The Indian Forest Act, 1878.
1869	V	Indian Articles of War.	In Part I, clause (*c*), *for* or any Act *read* in any Act. In the heading to Article 170, *for* "*committed*" *read* "*of which any person is accused.*"

THE SECOND SCHEDULE—*contd.*

Part I.— Acts of the Governor General in Council.—contd.

1	2	3	4
Year.	No	Subject or title.	Amendment.
1869	XX	Indian Volunteers' Act, 1869.	In section 22, *for the words from* if for offences committed outside *to the end, read* in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts.
1870	VII	Court-fees Act, 1870.	*For* section 34 *read the following:—* 34. (*1*) The Local Government may from time to time make rules for regulating the sale of stamps to be used under this Act, the persons by whom alone such sale is to be conducted, and the duties and remuneration of such persons. (Sale of stamps.) (*2*) All such rules shall be published in the local official Gazette, and shall thereupon have the force of law. (*3*) Any person appointed to sell stamps who disobeys any rule made under this section, and any person not so appointed who sells or offers for sale any stamp, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both. In Schedule I, Article 2, *for* Act No. XIV of 1859 (*to provide for the limitation of suits*), section 15, *read* the Specific Relief Act, 1877, section 9.

THE SECOND SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Amendment.
1870	VII —*contd.*	Court-fees Act, 1870	In Schedule II, Article 4, *for* Bombay Act No. V of 1864 (*to give Mamlatdars' Courts jurisdiction in certain cases to maintain existing possession or to restore possession to any party dispossessed otherwise than by course of law*) *read* the Mamlatdars' Courts Act, 1876.
„	XXIV	Oudh Taluqdárs' Relief Act.	In section 12, *for the words* section three, *in the second place in which they occur, read* section 4.
„	XXVI	Prisons Act, 1870 .	In the preamble, *for* and British Burma *read* Coorg and Burma. In section 6, first paragraph (as amended by Act XIV of 1878), *for* and British Burma *read* Coorg and Burma. In section 47, clause (2), *for* assaults *read* assault.
„	XXVII	Amending the Indian Penal Code.	In section 13, *for* the said sections 124A and 225A *read* sections 124A, 225A and 225B.
1871	V	Prisoners' Act, 1871	In section 13, *for* section eight of Act No. XXIII of 1861 (*to amend Act VIII of 1859*) *read* section 350 of the Code of Civil Procedure, *and for* the provisions as to deposit of fees and as to release on security contained in the same section, *read* the provisions as to release on security contained in section 349 of the same Code.

THE SECOND SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No	Subject or title.	Amendment.
1872	IV	Punjab Laws Act, 1872.	In section 12 (as amended by Act XII of 1878, section 2), *for* the Punjab Tenancy Act, 1868, section 34, *read* the Punjab Tenancy Act, 1887, section 53. In section 50 (as amended by Act XV of 1875, section 3), *for* sections forty-three to forty-nine *read* sections 43 to 48.
"	V	Jurisdiction over Sindh.	In section 2 (added by Act XX of 1872), *for* the Administrator General's Act, 1867, *read* the Administrator General's Act, 1874.
"	IX	Indian Contract Act, 1872.	In section 25, clause (1), *for* assurances *read* documents. In section 43, first paragraph, *for* one *read* one or more. In section 63, Illustration (*e*), *for* compensation *read* composition.
"	XV	Indian Christian Marriage Act, 1872.	In section 4, *after* is *insert* or are. In Schedule III, *for* (See section 28) *read* (See sections 28 and 31).
1873	VIII	Northern India Canal and Drainage Act, 1873.	In section 75, clause (3), *after* whom *insert* and.
1874	II	Administrator General's Act, 1874.	In section 15, *after* hereafter *insert* to.

THE SECOND SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council.—contd.

1	2	3	4
Year	No.	Subject or title.	Amendment.
1874	IX	European Vagrancy Act, 1874.	In section 26, *for the words from* if for offences committed outside *to* time being *read* in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts.
,,	XIV	Scheduled Districts Act, 1874.	*After* section 5 *insert the following section:—* 5A. In declaring an enactment in force in a scheduled district or part thereof under section 3 of this Act, or in extending an enactment to a scheduled district or part thereof under section 5 of this Act, the Local Government, with the previous sanction of the Governor General in Council, may declare the operation of the enactment to be subject to such restrictions and modifications as that Government thinks fit. Modification of enactments in their application to scheduled districts. In the first schedule, Part I, No. II, *for* (7) The Konda Muttá of Belgám *read* (7) The Konda Muttá of Merangi. In the first schedule, Part III, No. I, *for* Divisions *read* Districts.
,,	XV	Laws Local Extent Act, 1874.	In the second schedule, Part (*a*), in the entry relating to Madras Regulation II of 1806, *for* (parts of ss. 1 & 7) *read* (section 7, clause second).

THE SECOND SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Amendment.
1874	XV —*contd.*	Laws Local Extent Act, 1874.	In the sixth schedule, Part I, No. II, *for* (7) The Konda Muttá of Belgám *read* (7) The Konda Muttá of Merangi. In the sixth schedule, Part III, No. I, *for* Divisions *read* Districts.
1876	X	Bombay Revenue Jurisdiction Act, 1876.	In section 1, clause (*b*), *for* Act XV of 1871 *read* Act XXI of 1881.
"	XIII	Indian Merchant Seamen's Act, 1876.	In section 8, last paragraph, *for* to imprisonment *read* with imprisonment.
"	XVII	Oudh Land-revenue Act, 1876.	In section 105, *for* field *read* fields.
"	XVIII	Oudh Laws Act, 1876.	In section 39, clause (*f*), *for* Oudh Revenue Act *read* Oudh Land-revenue Act, 1876.
1877	III	Indian Registration Act, 1877.	To section 1 *add* the following — The Local Government may, with the previous sanction of the Governor General in Council, cancel any order excluding districts or tracts of country from the operation of this Act. In section 83, *for the words from* if for offences committed outside *to the end read* in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts.

THE SECOND SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Amendment.
1877	III —*contd.*	Indian Registration Act, 1877.	*After* the third paragraph of section 89 *insert the following* :— Every Revenue-officer granting a certificate of sale to the purchaser of immoveable property sold by public auction shall send a copy of the certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the property comprised in the certificate is situate, and such officer shall file the copy in his Book No. 1. In section 90, clause (*c*), *for* or filed *read* are filed.
1878	I	Opium Act, 1878 .	In section 24, *for* Deputy Collector *read* Deputy Commissioner.
"	VII	Indian Forest Act, 1878.	In section 41, clause (*e*), *for* depôt *read* depôts.
"	VIII	Sea-customs Act, 1878.	In section 2, *for* the first schedule *read* Part I of the schedule. In the schedule appended to section 167— in the first column of the entry numbered 3, *for* No. 2 *read* No. 4, *and for* landing or shipment *read* shipment and landing ; *and* in the second column of the entry numbered 59, *for* 141 *read* 142.

THE SECOND SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Amendment.
1878	XVII	Northern India Ferries Act, 1878.	In section 17, clause (*c*), *for* first *read* in the first instance, *and for the words and figures from* and then *to the end of the clause, read* and shall then, at the discretion of the Local Government— (*i*) be placed at the disposal of any District Board or District Boards established under the Punjab District Boards Act, 1883, or, (*ii*) be applied to any of the purposes specified in the second clause of section 5 of the Central Provinces Additional Rates Act, 1878, as the case may be; and.
1879	I	Indian Stamp Act, 1879.	In Schedule I, Article 5, clause (*b*), *for* right *read* rights. In Schedule II, Article 13, clause (*b*), *before* annual *insert* average.
"	XVI	Transport of Salt Act, 1879.	In section 3, clause (*a*), *for* section twenty-eight or section thirty-one of the Act of the Governor of Bombay in Council No. VII of 1873, or by a rawána granted under Madras Regulation I of 1805, section eleven, clause third, *read* Chapter V of the Madras Salt Act, 1889, or Chapter V of the Bombay Salt Act, 1890, or the corresponding law for the

THE SECOND SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Amendment.
1879	XVI —*contd.*	Transport of Salt Act, 1879.	time being in force in the territories administered by the Governor of Fort St. George in Council or the Governor of Bombay in Council, as the case may be.
"	XXI	Foreign Jurisdiction and Extradition Act, 1879.	In section 6, *for the first thirty-three words read* The Governor General in Council may appoint any European British subject, either by name or by virtue of his office, to be a Justice of the Peace in or for any such country or place.
1880	VII	Indian Merchant Shipping Act, 1880.	In section 68, *for* purposes *read* purpose.
1881	V	Probate and Administration Act, 1881.	In section 59, *after* is *insert* or are. In section 83, *for* proceeding *read* proceedings.
"	XII	North-Western Provinces Rent Act, 1881.	In section 94, *for* of village-expenses *read* for village-expenses, *and for* arrears or share *read* arrears, share, expenses or dues.
"	XVIII	Central Provinces Land-revenue Act, 1881.	In section 33, *for* the first five grades *read* the last five classes; *for* the Central Provinces Courts Act, 1865, *read* the Central Provinces Civil Courts Act, 1885; *and for* sections twelve, nineteen and twenty *read* section 7.

THE SECOND SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Amendment.
1881	XVIII —*contd.*	Central Provinces Land-revenue Act, 1881.	In section 34, *for* the Central Provinces Courts Act, 1865, sections twelve, nineteen and twenty, *read* the Central Provinces Civil Courts Act, 1885, section 16 and section 17, sub-section (*1*), and the powers of a Court of a Commissioner described in the same Act, section 15, sub-section (*1*). In section 35, *for* the first four grades *read* the last four classes.
"	XIX	Lower Burma Forest Act, 1881.	In section 43, clause (*g*), *for* station *read* stations.
"	XXII	Excise Act, 1881 .	In sections 13 and 55, *for* Chief Controlling Revenue-authority *read* Chief Revenue-authority. In the heading to Chapter V, *after* spirit *insert* and fermented liquor.
1882	V	Indian Easements Act, 1882.	In section 14, *for* right *read* a right.
"	VI	Indian Companies' Act, 1882.	In section 66, *after the word* cheque, *where it first occurs, insert* or. In section 88, *after* dates *insert* of. In section 127, *for* prove *read* proof. In section 144, clause (*f*), *after the word* bill, *in the last place in which it occurs, insert* hundi.

THE SECOND SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council.—contd.

1	2	3	4
Year.	No.	Subject or title.	Amendment.
1882	X	Code of Criminal Procedure, 1882.	In section 191, *between* District Magistrate *and* Sub-divisional Magistrate *insert* or. In section 206, *after* Sub-divisional Magistrate *insert* or. In Schedule III, in the part entitled "*I. Ordinary Powers of a Magistrate of the third class*" *before the first entry, insert* (1A) Power to arrest, or direct the arrest, and to commit to custody a person committing an offence in his presence, section 64.
"	XIV	Code of Civil Procedure.	In section 6, clause (*d*), *for* Maulmain, Akyab or Bassein *read* or Maulmain. In section 266, clause (*i*), *for* Native *read* Indian. In section 484, *for* the sum *read* the same. In section 568, clause (*b*), *for* for *read* or.
1883	V	Indian Merchant Shipping Act, 1883.	In section 6, sub-section (*3*), *for* to simple imprisonment *read* with simple imprisonment.
"	XIV	North-Western Provinces and Oudh Local Boards Act, 1883.	In sections 36 and 37, *for* Government Civil Pension and Leave Codes, *wherever those words occur, read* Civil Service Regulations.

THE SECOND SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Amendment.
1883	XV	North-Western Provinces and Oudh Municipalities Act, 1883.	In sections 37 and 38, *for* Government Civil Pension and Leave Codes *read* Civil Service Regulations.
,,	XX	Punjab District Boards Act, 1883.	In sections 28 and 29, *for* Government Civil Pension and Leave Codes, *wherever those words occur, read* Civil Service Regulations.
1884	VI	Inland Steam-vessels Act, 1884.	In section 56, *for* to simple imprisonment *read* with simple imprisonment.
,,	XVII	Lower Burma Municipal Act, 1884.	In sections 34 and 35, *for* Government Civil Pension and Leave Codes, *wherever those words occur, read* Civil Service Regulations.
1886	XII	Petroleum Act, 1886	In section 1, sub-section (*3*), *for* The provisions of this Act *read* Sections 1 to 4 of this Act and the provisions.
,,	XXIII	Dekkhan Agriculturists' Relief Act, 1886.	In section 10, sub-section (*3*), *for* the same section *read* section 58.
1887	XVI	Punjab Tenancy Act, 1887.	In section 45, sub-section (*2*), *before* year *insert* agricultural.
1888	III	Police Act, 1888 .	In section 2, sub-section (*1*), *for* the Bombay District Police Act, 1867, *read* or the corresponding law for the time being in force in the territories administered by the Governor of Bombay in Council.

THE SECOND SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Amendment.
1888	VII	Civil Procedure Code Amendment Act, 1888.	In section 49, sub-section (*2*), *for* the same section *read* section 562. In section 52, sub-section (*2*), *for* the same section *read* section 566.
1889	V	Coroner of Madras.	In section 4, sub-section (*2*), *for* that Code *read* the Code of Criminal Procedure, 1882.
"	XI	Lower Burma Courts Act, 1889.	*For* section 87 *read the following:*— 87. For the purposes of section 47 of the Guardians and Wards Act, 1890, the Special Court constituted under Chapter V of this Act shall be deemed to be the High Court in respect of appeals from orders made by the Judge of the Town of Maulmain. Appeals from orders under the Guardians and Wards Act, 1890.
"	XIII	Cantonments Act, 1889.	In section 19, *for* shall not be imposed under section 17 of this Act in the cantonment, *read* shall not be leviable in the cantonment in pursuance of a notification under section 17 of this Act.
"	XVIII	Central Provinces Municipal Act, 1889.	In section 29, clause (*f*), *for* used *read* use.

THE SECOND SCHEDULE—*contd.*

Part I.—Acts of the Governor General in Council—concld.

1	2	3	4
Year	No	Subject or title.	Amendment.
1890	III	Amending the Inland Steam-vessels Act, 1884, and the Indian Steam-ships Act, 1884.	In section 4, sub-section (*2*), *for* the same section *read* section 11 of the said Act. In section 17, sub-section (*2*), *for* the same section *read* section 13 of the said Act.
1891	VII	Amending Act X of 1841.	In section 6, sub-section (*2*), *for* the same section *read* section 17 of the said Act.

Part II.—Regulations of the Bengal Code.

1	2	3	4
Year.	No	Subject.	Amendment.
1793	XI	Inheritance . .	In section 3, *for* that section *read* section 2, *and for* Regulation XXV, 1793, *read* the Estates' Partition Act, 1876.
1817	XII	Patwáris . .	In section 31, *for* Boards are *read* Board is. *For section 35 read the following :—* Appeal to Commissioner from decision or order under section 20. 35. (*1*) Any person aggrieved by a decision or order of a Collector under section 20 of this Regulation may appeal within six months from the date thereof to the Commissioner of the Division.

THE SECOND SCHEDULE—*contd.*

Part II.—Regulations of the Bengal Code—contd.

1	2	3	4
Year.	No.	Subject.	Amendment.
1817	XII —*contd.*	Patwaris . .	(*2*) The Commissioner may reverse or alter any such decision or order in appeal.
,,	XX	Police . .	In the heading prefixed to section 29, *for* Commercial, Salt and Opium Departments *read* Opium Department, *and for* those Departments *read* that Department. In section 29, clause *Twelfth, for* Section XXXI, Regulation XIII, 1816, *read* Act XIII of 1857, section 21.
1818	III	State Prisoners .	In section 9, *after* situated *insert* and.
1819	II	Resumption of revenue-free lands.	In section 6, clause *First, for the words from* in the Persian and Bengal languages *to* Conquered Provinces *read* in the vernacular of the district. In section 12, *after* belong *insert* he. In section 26, clause *Second, for* a appeal *read* an appeal.
1822	III	Board of Revenue for the Lower Provinces of the Presidency of Fort William in Bengal.	(*a*) In section 5, clause *First, for* the Governor General in Council, by an order in Council, *and for* the Governor General in Council similarly, (*b*) in section 5, clause *First*, first proviso, clause *Second* and clause *Third, for* Government, *and* (*c*) in section 5, clauses *Fourth* and *Fifth, for* the Governor General in Council—*read* the Lieutenant-Governor.

THE SECOND SCHEDULE—*concld.*

Part II.—Regulations of the Bengal Code—concld.

1	2	3	4
Year	No.	Subject.	Amendment.
1822	III —*contd.*	Board of Revenue for the Lower Provinces of the Presidency of Fort William in Bengal.	In section 5, clause *First*, first proviso, *before* Collector *insert* Commissioner or. In section 5, clause *First*, third proviso, *for* formally confirmed *read* made or confirmed in accordance with rules sanctioned.
1823	VI	Indigo contracts .	In section 6, *for* a investigation *read* an investigation.
1825	XIII	Settlement of resumed lákhiráj land.	In section 4, *for* the Regulations *read* the Regulation. In section 5, *for* Regulations *read* Regulation.

Government of India Central Printing Office.—No. 112 L. D.—7-5-91.—4,400.—A. E. Des.

ACT No. XIII of 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 21st March, 1891)

An Act to amend the Inland Steam-vessels Act, 1884.

VI of 1884.

WHEREAS it is expedient to amend the Inland Steam-vessels Act, 1884; It is hereby enacted as follows:—

Substitution of new Chapter for Chapter III, Act VI, 1884.

1. For Chapter III of the said Act the following shall be substituted, namely :—

"CHAPTER III.

"MASTERS (INCLUDING SERANGS), AND ENGINEERS (INCLUDING ENGINE-DRIVERS), OF INLAND STEAM-VESSELS.

Appointment of examiners.

"22. The Local Government may, from time to time, appoint persons for the purpose of examining the qualifications of persons desirous of obtaining certificates of competency as masters or serangs, or as engineers or engine-drivers, of inland steam-vessels.

Grant of masters' and serangs' certificates of competency.

"23. (*1*) The Local Government shall grant to every person who is reported by the examiners to possess the necessary qualifications a certificate of competency to the effect that he is competent to act as a first-class master, second-class master or serang, as the case may be, of an inland steam-vessel.

"(*2*) Every certificate granted under this section shall be in the prescribed form.

Grant of engineers' and engine-drivers' certificates of competency.

"24. (*1*) The Local Government shall grant to every person who is reported by the examiners to possess the necessary qualifications a certificate of competency to the effect that he is competent to act as

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as an engineer, first-class engine-driver or second-class engine-driver, as the case may be, of an inland steam-vessel.

"(*2*) Every certificate granted under this section shall be in the prescribed form.

Power for Local Government to require re-examination or further inquiry.

"25. Before granting a certificate under either of the two last foregoing sections, the Local Government may, if it has reason to believe that the report of the examiners regarding any applicant has been unduly made, require a re-examination of the applicant or a further inquiry into his testimonials and character.

Grant of certificates of service.

"25A. (*1*) The Local Government may in its discretion grant without examination to any person who has served as a master, or as an engineer, of an inland steam-vessel before the first day of April, 1890, a certificate of service to the effect that he may act as a first-class master, second-class master or serang, or as an engineer, first-class engine-driver or second-class engine-driver, as the case may be, of an inland steam-vessel.

"(*2*) A certificate of service so granted shall have the same effect as a certificate of competency granted under this Act after examination.

Certificates to be made in duplicate.

"26. Every certificate of competency or service granted under this Act shall be made in duplicate, and one copy shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded in the prescribed manner.

Copy of certificate to be granted in certain cases.

"27. Whenever a master or serang, or an engineer or engine-driver, proves, to the satisfaction of the Local Government which granted his certificate, that he has, without fault on his part, lost or been deprived of it, a copy of the certificate to which, by the record kept as provided by law, he appears to be entitled shall be granted to him, and shall have all the effect of the original.

Nature of certificates necessary in case of different steam-vessels.

"28. (*1*) An inland steam-vessel having engines of eighty nominal horse-power or upwards shall not proceed on any voyage unless she has—

(*a*) as her master a person possessing a first-class master's

master's certificate granted under this Act or a master's certificate granted under Act I of 1859 (*for the amendment of the law relating to Merchant Seamen*) or the Merchant Shipping Acts, 1854 to 1889, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869, and

17 & 18 Vict., c. 104, &c.

32 & 33 Vict., c. 11.

(*b*) as her engineer a person possessing an engineer's certificate granted under this Act or the Indian Steam-ships Act, 1884, or the Merchant Shipping Acts, 1854 to 1889, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869.

VII of 1884.

"(*2*) An inland steam-vessel having engines of thirty nominal horse-power or upwards but of less than eighty nominal horse-power shall not proceed on any voyage unless she has—

(*a*) as her master a person possessing a second-class master's certificate granted under this Act or a certificate of the higher grade of the nature referred to in clause (*a*) of sub-section (*1*), and

(*b*) as her engineer a person possessing a first-class engine-driver's certificate granted under this Act or an engine-driver's certificate granted under the Indian Steam-ships Act, 1884, or a certificate of the higher grade of the nature referred to in clause (*b*) of sub-section (*1*):

VII of 1884.

Provided that a steam-vessel shall be deemed to have complied with this sub-section if she has as her master and engineer a person possessing both a second-class master's certificate and a first class engine-driver's certificate granted under this Act, or, in substitution for either of such certificates, as the case may be, a master's certificate or an engineer's certificate of the higher grade of the nature referred to in sub-section (*1*).

"(*3*) An

"(*3*) An inland steam-vessel having engines of less than thirty nominal horse-power shall not proceed on any voyage unless she has—

(*a*) as her master a person possessing a serang's certificate granted under this Act or a certificate of the higher grade of the nature referred to in clause (*a*) of sub-section (*1*) or sub-section (*2*), and

(*b*) as her engineer a person possessing a second-class engine-driver's certificate granted under this Act or an engine-driver's certificate granted under the Indian Steam-ships Act, 1884, or a certificate of the higher grade of the nature referred to in clause (*b*) of sub-section (*1*) or sub-section (*2*): VII of 1884.

Provided that a steam-vessel shall be deemed to have complied with this sub-section if she has as her master and engineer a person possessing both a serang's certificate and a second-class engine-driver's certificate granted under this Act, or, in substitution for either of such certificates, as the case may be, a master's certificate or an engineer's or engine-driver's certificate of the higher grade of the nature referred to in sub-section (*1*) or sub-section (*2*).

"(*4*) Notwithstanding anything in sub-section (*1*), sub-section (*2*) or sub-section (*3*), the Local Government may, by general or special order, direct that a person possessing a master's certificate granted under Act I of 1859 (*for the amendment of the law relating to Merchant Seamen*) or the Merchant Shipping Acts, 1854 to 1889, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869, or possessing an engineer's certificate granted under the Indian Steam-ships Act, 1884, or the Merchant Shipping Acts, 1854 to 1889, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869, shall not act as master or engineer, as the case may be, of an inland steam-vessel unless he also possesses, in the case of a master, such a master's or serang's certificate granted under this Act

17 & 18 Vict., c. 104, &c.

32 & 33 Vict., c. 11.

as

as qualifies him under this section to act as master of the vessel, or, in the case of an engineer, such an engineer's or engine-driver's certificate granted under this Act as qualifies him under this section to act as engineer of the vessel:

"Provided that, for the purposes of this sub-section, the Local Government may, in its discretion, grant without examination a master's or serang's, or an engineer's or engine-driver's, certificate of competency under this Act, and that a certificate of competency so granted without examination shall have the same effect as a certificate of competency granted under this Act after examination.

Power for Local Government to make rules as to grant of certificates of competency and certificates of service.

"29. (*1*) The Local Government may make rules to regulate the granting of certificates of competency under this Act, and may by such rules—

(*a*) provide for the conduct of the examination of persons desirous of obtaining certificates of competency as masters or serangs, or as engineers or engine-drivers, under this Act;

(*b*) prescribe the qualifications to be respectively required of persons desirous of obtaining first-class masters' certificates, second-class masters' certificates, serangs' certificates, engineers' certificates, first-class engine-drivers' certificates, and second-class engine-drivers' certificates, respectively;

(*c*) fix the fees to be paid by all applicants for examination; and

(*d*) prescribe the form in which certificates are to be framed and the manner in which the copy of the certificate which is kept by the Local Government is to be recorded.

"(*2*) The Local Government may also make rules with respect to the grant of certificates of service under this Act, and may by such rules—

(*a*) fix the fees to be paid for such certificates, and

(*b*) prescribe the form in which such certificates are

are to be framed and the manner in which the copy of the certificate which is kept by the Local Government is to be recorded."

Substitution of new clause for clause (*c*), section 43, Act VI, 1884.

2. For clause (*c*) of section 43 of the said Act the following shall be substituted, namely:—

"(*c*) if, in the case of a second-class master or serang, or of an engine-driver, the master or serang, or the engine-driver, is or has become, in the opinion of the Local Government, unfit to act as a second-class master or serang, or as an engine-driver, as the case may be;".

Repeal of sections 9, 10 and 11, Act III, 1890.

3. Sections 9, 10 and 11 of Act III of 1890 (*an Act to amend Acts VI and VII of 1884*) are hereby repealed.

Government of India Central Printing Office.—No. 113 L. D.—7 5 91.—4,400—A. E. deS.

ACT No. XIV of 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 21st March, 1891.)

An Act to amend the constitution of the Court of the Judicial Commissioner of Oudh, and alter the Law with respect to Second Appeals and other matters in that Province.

WHEREAS it is expedient to amend the constitution of the Court of the Judicial Commissioner of Oudh, and alter the Law with respect to Second Appeals and other matters in that Province; It is hereby enacted as follows :—

Title and commencement.

1. (*1*) This Act may be called the Oudh Courts Act, 1891.

(*2*) It extends to all the territories for the time being administered by the Chief Commissioner of Oudh; and

(*3*) It shall come into force on the first day of April, 1891.

2. Act IV of 1885 (*to provide for the temporary appointment from time to time of an Additional Judicial Commissioner for Oudh*) is hereby repealed :

But the Additional Judicial Commissioner holding office under that Act immediately before the commencement of this Act shall be deemed to have been appointed under this Act.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context, the expressions "High Court" and "Chief Justice" mean the High Court of Judicature for the North-Western Provinces and the Chief Justice of that Court, respectively.

Appointment of Additional

4. (*1*) The Local Government, with the previous sanction

[*Price two annas and three pies.*]

Judicial Commissioner.

sanction of the Governor General in Council, shall, by notification in the official Gazette, appoint such person as it thinks fit to be an Additional Judicial Commissioner, and to exercise jurisdiction, as such Additional Judicial Commissioner, in the Court of the Judicial Commissioner of Oudh.

(*2*) A person so appointed shall hold his office during the pleasure of the Local Government.

Jurisdiction of Additional Judicial Commissioner.

5. (*1*) Subject to the other provisions of this Act, an Additional Judicial Commissioner shall exercise such jurisdiction of the Judicial Commissioner under any enactment for the time being in force as the Local Government may prescribe, but only in such cases as the Judicial Commissioner may direct.

(*2*) The Judicial Commissioner may withdraw from the Additional Judicial Commissioner, and himself hear and dispose of, any case with respect to which he may have directed the Additional Judicial Commissioner to exercise jurisdiction and of which the hearing before the Additional Judicial Commissioner has not been commenced.

Law applicable to Additional Judicial Commissioner.

6. Subject to the other provisions of this Act, every enactment for the time being applicable to the Judicial Commissioner shall apply to the Additional Judicial Commissioner when exercising any jurisdiction under the last foregoing section, as if he were the Judicial Commissioner.

Confirmation of capital sentences by a bench.

7. (*1*) The Court of the Judicial Commissioner of Oudh, consisting of the Judicial Commissioner and the Additional Judicial Commissioner, shall, for the purpose of section 377 of the Code of Criminal Procedure, 1882, be deemed to be a High Court consisting of two Judges. X of 1882.

(*2*) When any such case as is referred to in that section of the Code is heard before the Judicial Commissioner and the Additional Judicial Commissioner, and they are divided in opinion, they shall submit the case, with their opinions thereon, to the High Court to be laid before such Judge, or such bench of two or more

more Judges, of that Court as the Chief Justice may appoint.

(*3*) Such Judge or bench, after such examination and hearing as he or it thinks fit, shall deliver his or its opinion in writing and cause a copy thereof under the signature of the Registrar of the High Court to be transmitted to the Judical Commissioner, and the Judicial Commissioner and the Additional Judicial Commissioner sitting together shall, on receipt of the copy, proceed to dispose of the case in conformity with the opinion of the Judge or bench.

(*4*) When the Chief Justice has appointed a bench of two or more Judges of the High Court under sub-section (*2*), and the Judges differ as to the opinion to be delivered, communicated and followed under sub-section (*3*), the opinion to be so delivered, communicated and followed shall be—

(*a*) if there is a majority of the Judges, the opinion of the majority, and

(*b*) if the Judges are equally divided, the opinion of the senior Judge.

Hearing of other cases by a bench.

8. Any of the following proceedings, namely :—

(*a*) an appeal from an original decree or order of a District Judge or Additional Judge,

XIII of 1879.

XX of 1890.

(*b*) an appeal which, under section 18, sub-section (*1*), of the Oudh Civil Courts Act, 1879, as amended by the North-Western Provinces and Oudh Act, 1890, lies from a decree or order of a Subordinate Judge to the Judicial Commissioner,

(*c*) any other appeal, whether civil or criminal, or any application or other matter, with respect to which appeal, or application or other matter, the Judicial Commissioner or the Additional Judicial Commissioner, as the case may be, before whom it is pending, has certified under his hand that it should in his opinion be heard by two Judges,

shall

shall be heard by the Judicial Commissioner and the Additional Judicial Commissioner sitting together :

Provided, with respect to clauses (*a*) and (*b*), as follows, namely :—

(*i*) that the amount or value of the subject-matter of the suit in the Court of first instance was ten thousand rupees or upwards, and the amount or value of the matter in dispute on appeal to the Judicial Commissioner is the same sum or upwards, or

(*ii*) that the decree or order appealed from involves, directly or indirectly, some claim or question to, or respecting, property of like amount or value.

Rules in case of difference of opinion.

9. Whenever in any case before the Judicial Commissioner and the Additional Judicial Commissioner sitting together, other than a case for which provision is made in section 7 of this Act, a difference of opinion arises, the following rules shall be observed :—

(*a*) If the case is a civil case, then, unless the Judicial Commissioner and the Additional Judicial Commissioner concur in a decision reversing or varying the decree or order under their consideration, such decree or order shall be upheld :

Provided that if the difference of opinion is on a question of law or of custom having the force of law or as to the construction of any document or the admissibility of any evidence, and either the Judicial Commissioner or the Additional Judicial Commissioner is of opinion that the question should be referred to the High Court, the Judicial Commissioner and the Additional Judicial Commissioner shall jointly state the question and forward such statement, with their respective opinions on the question, to the High Court.

(*b*) If the case is a criminal case, then the Judicial Commissioner and the Additional Judicial Commissioner

Commissioner shall jointly state the question as to which they differ, and forward such statement, with their respective opinions on the question, to the High Court.

Procedure on reference under last foregoing section.

10. (*1*) On receiving a statement forwarded in any case under the last foregoing section, the High Court, by a bench constituted by two or more Judges as the Chief Justice may determine, shall decide the question referred therein and transmit to the Judicial Commissioner a copy of its judgment under the signature of its Registrar, and the Judicial Commissioner and the Additional Judicial Commissioner sitting together shall, on receipt of the copy, proceed to dispose of the case in conformity with the decision of the High Court.

(*2*) When the Judges differ as to the decision of any such question, the decision to be given, communicated and followed under sub-section (*1*) shall be—

(*a*) if there is a majority of the Judges, the decision of the majority, and

(*b*) if the Judges are equally divided, the decision of the senior Judge.

(*3*) It shall not be necessary for any party to the case to be present in the High Court, either personally or otherwise, when the question referred comes before that Court for decision.

(*4*) The costs, if any, consequent on the statement of the question for the decision of the High Court shall be costs in the case.

Repeal of, and amendment of, certain portions of Act XIII, 1879.

XIII of 1879.

11. (*1*) Section 21 of the Oudh Civil Courts Act, 1879, respecting the admission of second appeals in certain cases by the Judicial Commissioner, is hereby repealed.

(*2*) The following portions of that Act are also hereby repealed, namely, section 2; the proviso to section 6; section 22; section 25; section 26; section 39; and the schedule.

(*3*) For the last paragraph of section 23 of the same Act the following shall be substituted, namely :—

"In the event of an appeal being preferred from a judgment

judgment or order passed by a Judicial Commissioner or an Additional Judicial Commissioner in any other capacity, or in which he has any personal interest, the case shall be heard by the Additional Judicial Commissioner or the Judicial Commissioner, as the case may be."

Government of India Central Printing Office.—No 114 L. D —7-5-01 —3,900.—A. E. deS.

ACT No. XV of 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 21st March, 1891.*)

An Act to confirm and give effect to an Indenture between the Secretary of State and the Nawab Bahadoor of Moorshedabad, Amir-ul-Omrah.

WHEREAS it is expedient to confirm and give effect to the indenture which is set forth in the schedule to this Act and which was made the twelfth day of March, 1891, between the Secretary of State for India in Council of the one part and Ihtisham-ul-Mulk Rais-ud Dowlah Amir-ul-Omrah Nawab Sir Syud Hussan Ali Khan Bahadoor Mohabat Jung, G.C.I.E., Nawab Bahadoor of Moorshedabad, eldest son of His late Highness Moontazin-ul-Mulk Mohsen-ud Dowlah Fureedoon Jah Syud Monsoor Ali Khan Bahadoor, Nusrut Jung, late Nawab Nazim of Bengal, Behar and Orissa, of the other part; It is hereby enacted as follows:—

1. (*1*) This Act may be called the Moorshedabad Act, 1891; and

(*2*) It shall come into force at once.

2. The said indenture is hereby confirmed.

3. (*1*) The Governor General in Council, by notification in the Gazette of India, may in his discretion, on the written request of the Nawab Bahadoor of Moorshedabad for the time being, add, in such form as the Governor General in Council may think fit, to the schedules of immoveable property which are annexed to the said indenture any additional immoveable property

[*Price six annas and six pies.*]

property which may be acquired from time to time for the maintenance of the position and dignity of the Nawab Bahadoor of Moorshedabad for the time being.

(*2*) No such notification as is referred to in sub-section (*1*) shall be made without such previous publication as would be necessary under section 6 of the General Clauses Act, 1887, in the case of a rule to be made under an enactment to which that section applies.

(*3*) The publication in the Gazette of India of such a notification, as having been made by the Governor General in Council, shall, subject to any further order of the Governor General in Council, be conclusive proof with respect to the subject-matter of the notification.

tion aims to eduled immoveable property.

4. No right to any immoveable property mentioned in any of the schedules to the said indenture, or in any addition which under the last foregoing section may from time to time be made to those schedules or any of them, shall, if the right has not accrued before the passing of this Act, be acquired by any person by adverse possession or assertion of title unless such adverse possession or assertion of title is found to have existed for sixty years.

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5. All property, moveable and immoveable, mentioned in the said indenture, or in any of the schedules thereto or in any addition which under section 3 may from time to time be made to those schedules or any of them, shall descend and, subject to the provisions of the said indenture, be enjoyed for ever by the Nawab Bahadoor of Moorshedabad for the time being.

6. The said indenture shall for all the purposes of all enactments for the time being in force be admissible in evidence and have in all other respects the same effect as if it had been duly stamped and registered in such manner as those enactments, or any of them, or any rule or order under any of them, may require.

THE

THE SCHEDULE.

(*See preamble and following sections.*)

HER MAJESTY'S SECRETARY OF STATE FOR INDIA IN COUNCIL,

to

NAWAB SIR SYUD HUSSAN ALI BAHADOOR.

THIS INDENTURE made the twelfth day of March 1891 between the Secretary of State for India in Council (hereinafter called "the Secretary of State") of the one part and Ihtisham-ul-Mulk Raisud Dowlah Amir-ul-Omrah Nawab Sir Syud Hussan Ali Khan Bahadoor Mohabut Jung, G.C.I.E., Nawab Bahadoor of Moorshedabad (hereinafter called "the said Nawab Bahadoor") eldest son of His late Highness Moontazim ul Mulk Mohsen ud Dowlah Fureedoon Jah Syud Monsoor Ali Khan Bahadoor Nusrut Jung late Nawab Nazim of Bengal Behar and Orissa (who is hereinafter referred to as "the said Nawab Nazim") of the other part. *Whereas* the said Nawab Nazim in the year 1838 being then a minor of about the age of ten years succeeded by hereditary descent to the honours and dignities of the Nizamut and Subahdary of Bengal Behar and Orissa and was thereupon declared in and by a proclamation issued and published by and under the authority of the Governor General of India in Council for the time being to be the Nawab Nazim and Subahdar of the Provinces of Bengal Behar and Orissa and to have assumed and to exercise the authority dignities and privileges of the said office and dignity under the style and the title of Moontazim ul Mulk Mohsen ud Dowlah Fureedoon Jah Syud Monsoor Ali Khan Bahadoor Nusrut Jung. *And whereas* the Nawabs Nazim of Bengal Behar and Orissa and their families have under and by virtue of certain treaties and engagements with the British Government received out of the revenues of the Provinces of Bengal Behar and Orissa certain allowances and stipends including the personal stipend of the Nawab Nazim hereinafter mentioned. *And whereas* under various arrangements and in course of the administration of the allowances and stipends secured as aforesaid to the said Nawabs Nazim and their families certain funds known as "Nizamut Deposit Fund" the "Munnee Begum Fund" and the "Moorshedabad Agency Fund" were created and formed the accumulations of which applicable to the support of the title and dignity of the said Nawabs Nazim and their families aggregated at the date of the Indenture of the 1st day of November 1880 hereinafter mentioned about the sum of one crore of rupees. *And whereas* certain questions and differences arose between the said Nawab Nazim and the Government of India upon several matters concerning the position and affairs of himself and the members and dependents of his family known as the Nizamut family. *And whereas* with a view to the settlement of such questions and differences the said Nawab Nazim the year 1869 with the sanction of the Viceroy and Governor Genera India in Council left Moorshedabad the usual place of residence of th Nawab Nazim and proceeded to England where he remained and resid the period hereinafter mentioned and where he preferred in pers

Majesty's Government several complaints and claims arising out of the said questions and differences. *And whereas* in the year 1873 the Government of India passed an Act (namely Act No. XVII of 1873) called the "Nawab Nazim's Debts Act 1873" whereby after reciting *inter alia* that with respect to certain jewels and immoveable property it was disputed whether they belonged absolutely to the said Nawab Nazim or were held by the Government of India for the purpose of upholding the dignity of the Nawab Nazim for the time being and that litigation had consequently arisen between the creditors of the said Nawab Nazim and the Government of India and reciting that the Government of India was desirous of settling the said dispute as to the said jewels and immoveable property it was enacted (*inter alia*) that the Commissioners thereby directed to be apppointed should ascertain what jewels and immoveable property were held by the Government of India for the purpose of upholding the dignity of the Nawab Nazim for the time and should certify the particulars of such jewels and property and that their finding thereon should be binding and conclusive on all persons whomsoever. *And whereas* by the said Act the said Commissioners were also directed to ascertain and certify the amount due and owing in respect of the debts and liabilities incurred by the said Nawab Nazim in India. *And whereas* the Government of India subsequently in discharge and in satisfaction of the debts of the said Nawab Nazim which were ascertained and certified as aforesaid by the Commissioners appointed in pursuance of the said Act paid the sum of Rs. 16,85,461-7-5½. *And whereas* the money required for the purposes of such payment was provided out of the said Nawab Nazim's personal stipend. *And whereas* the said Nawab Nazim preferred certain claims against the said Secretary of State in respect of the arrears of his said personal stipend and of other pecuniary claims against the Government of India and in respect of certain jewels and other moneys and property claimed by the said Nawab Nazim on various accounts connected with the Nizamut and otherwise. *And whereas* by Indenture dated the 1st day of November 1880 it was agreed between the said Secretary of State and the said Nawab Nazim that the said Nawab Nazim should be paid and should accept and he was paid and accepted the sum of ten lakhs of rupees in full satisfaction and discharge of all his personal claims of what nature or kind soever against the Government of India whether connected with or arising out of the Nizamut or otherwise the said sum being made up of the following particulars namely—

	Rs.
Out of the balance of personal stipend to 31st October, 1880 .	7,53,642
Balance of advance of Rs. 4,00,000 from deposit fund made in 1869 to permit of the said Nawab Nazim proceeding to England	1,50,000
Value of jewels	96,358
TOTAL .	10,00,000

whereas by the report and certificate of the Commissioners appointed the said Nawab Nazim's Debts Act 1873 bearing date the 13th day mber 1875 the said Commissioners certified and declared that the le property and jewels respectively specified in the schedules annexed

nexed to their said report and certificate and numbered respectively I II and V were State property as therein defined and they annexed to such report and certificate a schedule numbered IV showing the rentals payable for the land and buildings included in the said schedules I and II to their said report and the names of the persons to whom such rentals were paid. *And whereas* by and with the previous sanction of the Viceroy and Governor General of India in Council certain of the immoveable properties and jewels specified in schedules IV and VI of the said report and certificate of the said Commissioners have already been sold or are directed to be sold for the purposes hereinafter specified and the remainder of the immoveable properties specified in the said schedules I and II to the said report of the said Commissioners are the properties mentioned and specified in schedules Nos. I and II attached to these presents. *And whereas* the said Nawab Nazim returned from England to India in the month of October 1881 and died at Moorshedabad on the 5th day of November 1884 leaving the said Nawab Bahadoor his eldest son surviving him. *And whereas* it is not considered by the Secretary of State necessary or desirable to maintain any longer the office title position dignities allowances and privileges of Nawab Nazim of Bengal Behar and Orissa. *And whereas* by a Sanad of His Excellency the Viceroy and Governor General of India dated the 17th February 1882 the title of Nawab Bahadoor of Moorshedabad has been granted to the said Nawab Bahadoor. *And whereas* by a notification of the Government of India dated the 20th July 1887 the further title of Amir-ul-Omrah has been also granted by His Excellency the Viceroy and Governor General of India to the said Nawab Bahadoor. *And whereas* the said titles of Nawab Bahadoor of Moorshedabad and Amir-ul-Omrah carry with them the precedence rank dignity and privileges of the premier noble of the Provinces of Bengal Behar and Orissa and are descendible to the lineal heirs male of the said Nawab Bahadoor according to the custom of primogeniture the eldest male of the eldest branch being preferred. *And whereas* it has been agreed between the Secretary of State and the said Nawab Bahadoor that such provision shall be made for the maintenance and support of the Nawab Bahadoor of Moorshedabad and Amir-ul-Omrah for the time being and for the maintenance of the honour and dignity of his station as is hereinafter contained and that in consideration thereof the said Nawab Bahadoor shall for himself his heirs and successors in the said station relinquish all claim to the said position and dignity of Nawab Nazim of Bengal Behar and Orissa in manner hereinafter appearing and execute such release in respect of the stipend pay allowances properties privileges and rights thereof or appertaining thereto as is hereinafter contained. *And whereas* it has been agreed between the Secretary of State and the said Nawab Bahadoor that the provision to be made as aforesaid for the support and maintenance of the Nawab Bahadoor of Moorshedabad and Amir-ul-Omrah and for the maintenance of the honour and dignity of his station shall comprise and consist of the following particulars namely :—

1st—An annual payment of Rs. 2,30,000 from the revenues of the Government of British India to be made to the Nawab Bahadoor of Moorshedabad for the time being in manner hereinafter mentioned.

2nd.—Th

2nd—The income of the immoveable properties mentioned and specified in the said 1st and 2nd Schedules to these presents.

3rd—The income of the immoveable properties mentioned in the 3rd Schedule to these presents as purchased with the sale proceeds of the jewels mentioned and specified in Schedules V and VI to the said report and certificate of the said Commissioners and all properties that may in future be purchased with the sale proceeds of the said jewels.

4th—The income of properties purchased with the sale proceeds of such of the immoveable properties mentioned and specified in the 1st 2nd and 3rd Schedules to these presents as may at any time with the sanction of His Excellency the Governor General in Council be disposed of.

And whereas various members of the family of the said late Nawab Nazim other than the said Nawab Bahadoor are as such in receipt of or entitled to certain stipends allowances and pay respectively payable to them by the Government of India and it is not intended by these presents to affect or interfere with such stipends allowances or pay respectively. NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement between the Secretary of State and the said Nawab Bahadoor and in consideration of the premises and of the conferring of the titles of Nawab Bahadoor of Moorshedabad and Amir-ul-Omrah as hereinbefore appears and of the provision hereinafter made or expressed and intended so to be for the support and maintenance of himself and his successors in the position and station of Nawab Bahadoor of Moorshedabad and Amir-ul-Omrah and for the maintenance of the honour and dignity of the said station and saving and without prejudice to any of the said provisions the said Nawab Bahadoor hath for himself his heirs and successors relinquished and released and doth hereby for ever relinquish and release all claims and demands to the rank dignity and position of Nawab Nazim and Subahdar of Bengal Behar and Orissa and to the title of Nawab Nazim and the authority dignity stipend pay allowances privileges and rights thereof or in any wise thereunto annexed or appertaining or therewith enjoyed and doth hereby release and discharge the Secretary of State his successors and assigns and the Viceroy and Governor General of India in Council and each and every of their servants and agents respectively of and from all actions claims and demands whatsoever that could be brought or made by him or his heirs or successors for or in respect of the said title position authority dignity stipend pay allowances privileges and rights as aforesaid and for and in respect of any act deed matter or thing whatsoever done or omitted by the Secretary of State or the Viceroy and Governor General of India in Council or any of their servants or agents acting officially in relation to or affecting the interests or claims of the said Nawab Nazim. AND THIS INDENTURE FURTHER WITNESSETH that in further pursuance of the said agreement and for the considerations aforesaid the Secretary of State for himself and his successors doth hereby covenant with the said Nawab Bahadoor and each one of his lineal heirs male who shall succeed in the manner above recited to the title of Nawab Bahadoor of Moorshedabad and Amir-ul-Omrah that the Secretary of

of State and his successors shall and will for the due maintenance and support of the said titles of Nawab Bahadoor of Moorshedabad and Amir-ul-Omrah and the position and station thereto attaching and of the honour and dignity thereof pay or cause to be paid annually for ever from the revenues of the Government of India unto the said Nawab Bahadoor and his lineal heirs male in perpetuity the sum of rupees two lakhs and thirty thousand by equal monthly instalments of rupees nineteen thousand one hundred and sixty-six ten annas and eight pies by monthly instalments on or before the 5th day of each and every succeeding month from the Treasury of the Government India at Berhampore and it is hereby further agreed and declared by between the Secretary of State and the said Nawab Bahadoor that the sev immoveable properties mentioned and specified in the 1st and 2nd Sched to these presents and also the immoveable property mentioned and specifi the 3rd Schedule thereto (being the immoveable property that has been chased with the sale proceeds of certain of the jewels mentioned and spec in the V and VI Schedules to the said report and certificate) and also all o the immoveable properties that shall hereafter be purchased with the sale pr ceeds of any of the said jewels mentioned and specified in the said last men tioned schedules and further all the properties purchased with the sale proceeds of such of the immoveable properties mentioned and specified in the 1st 2nd and 3rd Schedules to these presents as may at any time with the sanction of His Excellency the Governor General in Council be disposed of shall henceforth and for ever be held and enjoyed by the said Nawab Bahadoor and such one among his lineal heirs male as may be successively entitled to hold the said titles in perpetuity with and subject to the incidents powers limitations and conditions as to inalienability and otherwise hereinafter contained that is to say—

1st—The said Nawab Bahadoor shall not nor shall any of his successors in the said titles sell mortgage devise or alienate the said properties respectively or any of them otherwise than by lease or demise for a term not exceeding 21 years and under a rent without bonus or salamee.

2nd—It shall be lawful for the Secretary of State and his successors from time to time if any default shall be made in payment of the Government revenue or rates or taxes payable to Government in respect of any of the said immoveable properties to empower the officer in charge of the Treasury at Berhampore or other proper officer to deduct from and retain out of the said monthly sum of Rs. 19,166-10-8 hereinbefore covenanted to be paid the amount of any Government revenue or rates or taxes aforesaid payable in respect of the said immoveable properties or any of them.

3rd—The said Nawab Bahadoor and such of his lineal heirs male as shall in succession be entitled to hold the said titles shall maintain and keep in good repair and condition (reasonable wear and tear and the effects of tim fire and earthquake and injury done by publi rwhelming force ex-

cepted)

cepted) all the messuages tenements houses and buildings now standing or being upon any of the said immoveable properties mentioned and described in the said 1st and 2nd Schedules to these presents respectively (save and except the messuages tenements houses and buildings mentioned and specified in Schedule 2B hereto which the said Nawab Bahadoor and his heirs male successors as aforesaid respectively shall be under no obligation to maintain or repair) and also all the messuages tenements houses and buildings hereafter to be purchased with the sale proceeds of any of the said jewels mentioned and specified in the said V and VI Schedules to the report and certificate aforesaid and of any of the immoveable properties mentioned and specified in the 1st, 2nd and 3rd Schedules to these presents or that may be erected or built upon any land so to be purchased but it shall be lawful for the said Nawab Bahadoor and his heirs male aforesaid successors to the said position and station of Nawab Bahadoor of Moorshedabad and Amir-ul-Omrah from time to time at his or their will and pleasure and discretion to pull down and remove all or any of the said messuages tenements houses and buildings mentioned and specified in the Schedule 2B hereto which are no longer required and to sell and dispose of the materials thereof and apply and dispose of the said materials or the sale proceeds thereof for his or their own use and benefit and in such manner as he or they shall think fit.

In case the said Nawab Bahadoor or any of his lineal heirs male successors to the titles shall at any time in contravention of the terms of these presents attempt to sell mortgage devise or alienate (otherwise than by such lease or demise as aforesaid) any of the immoveable properties aforesaid or shall by a course of extravagance or by waste or mismanagement of their said immoveable properties in the opinion of the Secretary of State for the time being disable himself from duly maintaining the dignity of the said position and station then and from time to time whenever and as often as the same shall happen it shall be lawful for the Secretary of State for the time being at his discretion to enter into and upon the said immoveable properties and to hold and take possession thereof and receive and take the rents issues and profits thereof and also to take and retain the said monthly sum of Rs. 19,166-10-8 payable from the Government Treasury at Berhampore as hereinbefore mentioned for such period during the lifetime of the Nawab Bahadoor of Moorshedabad and Amir-ul-Omrah so acting as aforesaid as to the said Secretary of State shall seem necessary or expedient and the net rents issues and profits of the said immoveable properties and the said monthly sum of Rs. 19,166-10-8 so to be received and taken by the Secretary of State as aforesaid shall be applied for the benefit of the said Nawab Bahadoor of Moorshedabad and Amir-ul-Omrah for the time being for the maintenance of the position and dignity of the said Nawab Bahadoor of Moorshedabad and Amir-ul-Omrah for the time being in [illegible] as the Secretary of State in his discretion shall think proper [illegible] and it is hereby agreed and declared between

tween and by the said parties to these presents that nothing herein contained shall apply to or affect any property moveable or immoveable of the said Nawab Bahadoor his heirs representatives or assigns not being property included in any of the Schedules to these presents or not being property purchased with the sale proceeds of the jewels or lands hereinbefore mentioned or not being property mentioned in the next following proviso. Provided further that all furniture equipages boats horses camels and elephants in or about the Palace and the Imambara and belonging to the Nawab Bahadoor of Moorshedabad and Amir-ul-Omrah for the time being at the time of his decease shall be the property of and shall be enjoyed by his successor as such. *In witness* whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed sealed and delivered by William John Cuningham Officiating Secretary to the Government of India in the Foreign Department for and on behalf of His Excellency the Governor General of India in Council acting in the premises for and on behalf of the Secretary of State for India in Council in the presence of

(Sd.) W. J. CUNINGHAM,
Officiating Secretary to the Government of India.

(Sd.) G. R. IRWIN,
Offg. Under Secy. to the Govt. of India.

Seal.

(Sd.) G. W. F. BUCKLAND,
Solicitor and Notary Public, Calcutta.

Signed sealed and delivered by the abovenamed Ihtisham-ul-Mulk Raisud Dowlah Amir-ul-Omrah Nawab Sir Syud Hussan Ali Khan Bahadur Mohabut Jung G. C. I. E. Nawab Bahadoor of Moorshedabad in the presence of

(Sd.) HUSSAN ALI MIRZA.

(Sd.) S. E. J. CLARKE,
Calcutta.

Seal of the Nawa Bahadur

(Sd.) G. W. F. BUCKLAND,
Solicitor and Notary Public, Calcutta.

SCHEDULE I TO DEED OF SETTLEMENT.

PART I.

Taluks or Estates paying revenue directly to Government.

Consecutive number.	NAME OF ESTATE.	Pergunnah.	District.	No. on district towji.	Area shown in the revised register of the Special Deputy Collector.	Sudder jumma.	Name recorded.	REMARKS.
					B. K. G.	Rs. A. P.		
1	Pergunnah Gopinathpore.	Gopinathpore .	Moorshedabad	76	28,760 3 6	7,354 13 10	Nawab Bahadur of Moorshedabad.	
2	Kismut Chandpore .	Kulbaria . .	Ditto .	99	6,605 10 3¾	1,415 2 4	Ditto ditto.	
3	Do. Rokanpore .	Rokanpore . .	Ditto .	398	15,599 12 18¾	4,731 3 9	Ditto ditto.	
4	Do. Srikrishenpore	Shahzadpore . .	Beerbhoom .	1010	1,392 16 16¼	589 1 7	Ditto ditto	The mahal has been transferred from Moorshedabad to Beerbhoom in the year 1289 B. S., and hence the former towji No. (501) is changed to 1010.
5	Do. Ugara . .	Mahalandi . .	Moorshedabad.	534	2,822 11 16¼	942 12 6	Ditto ditto.	
6	Bil Amalbanda Goalbanda.	Gopinathpore .	Ditto .	1484	199 16 15	52 2 0	Ditto ditto.	
7	Faizbagh . . .	Asadnagar . .	Ditto .	1450	167 15 13¾	65 1 1	Ditto ditto.	
8	Lot Ghordoho . .	Rokanpore . .	Beerbhoom .	88	6,578 15 17¼	2,584 12 0	Ditto ditto.	
9	Dehi Dihibargopara .	Bazuras Mohabbutpore.	Rajshahye .	401	9,123 17 5	1,550 14 0	Ditto ditto.	
10	Kismut Mahiuddinpore.	Lashkarpore . .	Ditto .	599	966 16 10	119 8 0	Ditto ditto.	
11	Kismut Taraf Jairampore.	Kankjole . .	Sonthal Pergunnahs.	$\frac{19}{112}$	6,401 1 1¼	282 13 0	Ditto ditto.	
12	Taraf Sambalpore .	Ditto . .	Maldah . .	210	17,798 16 13¾	799 7 0	Ditto ditto .	Parent land as per Special Deputy Collector's measurement 5,426*b*. 5*k*. 7½*g*. Accretions under water at the time; measured now 1,684*b*. 12*k*. 17½*g*. Alluvion decreed and possession obtained in 1884 under order of Rajmahal Civil Court 10,687*b*. 18*k*. 8¾*g*.
13	Kawala Baria . .	Ditto . .	Purneah . .	890	401 3 13¾	18 0 0	Humayun Kudr Mohomed Ali Mirza.	
14	Bangarua . . .	Ditto . .	Ditto . .	1192	224 5 17½	44 12 0	Ditto ditto.	
15	Dilalpore . . .	Ditto . .	Ditto . .	1193	249 4 5	13 11 3	Ditto ditto.	
16	Guagachi . . .	Ditto . .	Ditto . .	1194	344 13 8¾	13 10 3	Ditto ditto.	
17	Dhepol . . .	Ditto . .	Ditto . .	1100	101 8 17½	8 15 3	Ditto ditto.	

PART 2.

Putni tenures paying rent to zamindars.

Consecutive number.	NAME OF TENURE.	Pergunnah.	District.	No. on district towji.	Area shown in the revised register of the Special Deputy Collector.	Annual rental payable to zamindars.	Name recorded.	REMARKS.
					B. K. G.	Rs. A. P.		
1	Taraf Bagdanga . .	Goas . . .	Moorshedabad	2722	14,117 11 17½	5,232 12 9	Nawab Nazir Sidi Darab Ali, Khan Bahadur.	Taluk No. 2722, sudder jama Rs. 4,667-4-6, recorded proprietors Messrs. Watson & Co.
2	Do. Juranpore . .	Do. . . .	Ditto .	523	4,640 13 3¾	2,027 11 8	Ditto Ditto .	Part of taluk No. 523, Huda Ekurti, recorded proprietors Jumuna Kumari and others.
3	Taluk Rajbati . .	Bharul . . .	Ditto .	403	9,391 19 8¾	2,888 7 2	Nawab Mulka Zamaniah Begum.	Taluk No. 403, Do. „ 822, Do. „ 837 — These three taluks are held in putni from Rani Hurro Soondari, who is the recorded proprietor.
4	Do. Bisherjan Satlakhi.	Murariporo . .	Ditto .	822	313 15 8¾	280 3 6	Ditto ditto .	This mahal has been surveyed along with Nimgram, a mouza of Rajbati.
5	Do. Kufirbati . .	Kharguon . .	Ditto .	837				
6	Taraf Ahiran . .	Bharul . . .	Ditto .	520	11,115 3 11¼	3,305 0	[illegible]awab Nazir Sidi Darab Ali, Khan Bahadur.	Taluk No. 520, sudder jama Rs. 1,043-2-7, recorded proprietors Jumuna Kumari and others.

PART 3.

Mahals, lakhiraj and khiraji, in District Moors[illegible].

1	2	3	4	5	6	7			8	9	10
Consecutive number.	Number of the revised register of the Special Deputy Collector.	Name of Mahal.	Mouza.	Taraf.	Pergunnah.	AREA SHOWN IN THE REVISED REGISTER OF THE SPECIAL DEPUTY COLLECTOR.			Rental payable to zamindars per annum.	To whom rental payable.	REMARKS.
						Lakhiraj.	Khiraji.	Total.			
						B. K. G.	B. K. G.	B. K. G.	Rs. A. P.		
1	18	Chauk Noabad	Budespara	Kumrapore	Asadnagar	12 3 0	.....	12 3 0	.....		
2	19	Chandni Chauk	Ashur Khana	Urdubazar	Ditto	36 1 0	.....	36 1 0	.....		
3	31	Haveli Naukharidgi.	Kumrapore	Kumrapore	Ditto	5 12 0	.....	5 12 0	.....		
4	1	Alang Ashurkhana	Kharkati	Ditto	Ditto	54 4 6¼	.....	54 4 6¼	.....		
5	55	Rajabazar or Chota Katghar.	Budespara Dahapara Rajabazar	Ditto Ganjiat Urdubazar	Ditto Ditto Ditto	22 12 8¾	0 13 12½	23 6 1¼	2 12 2¼	Zamindar of mahal Dohapara, Azimgunge, &c.	
6	44	Mian Ambar Mussjid.	Budespara Newada	Kumrapore Mullikpore	Ditto Rokanpore	30 7 8¾	.....	30 7 8¾	.....		
7	20	Chitakhana Gowaltoli.	Budespara Bazar Munsur Khan.	Kumrapore Ditto	Asadnagar Ditto	80 7 18¾	0 18 12½	81 6 11¼	1 10 6	Zamindar of taraf Kumrapore.	
8	21	Chandnia Filkhana Kalan.	Budespara Ashurkhana Urdubazar Killa Begampore	Ditto Urdubazar Ditto Ditto Nurmahomedpore.	Ditto Ditto Ditto Ditto Ditto	288 12 15	.....	288 12 15	.....		
9	59	Shamganjbagh	Budespara	Kumrapore	Ditto	6 5 11¼	.....	5 11¼	.....		
10	1	Ashurkhana Khas Tahsil.	Killa Kumrapore Kharkati Nagmabad Ratanpore Urdubazar	.. Kumrapore Ditto Nurmahomedpore. Ganjiat Urdubazar	Chunakha Asadnagar Ditto Ditto Ditto Ditto	15 3 13¾	4 9 5	19 12 18¾	27 9 10¼	Zamindar of Urdubazar.	
11	28	Gunditolla in Kularia.	Kumrapore	Kumrapore	Ditto	0 7 3¾	.....	0 7 3¾	.....		

12	39	Kharrambagh Darogah Hossein Buksh. Kharrambagh (walled). Hossein Bagh Choti Bibi.	Kumrapore and Bazar Munsur Khan.	Ditto .	Ditto .	41 15 7½	14 6 18¾	56 2 6¼	7 15 4	Nawab Raisunnissa Begum, Rs. 3. Zamindar of taraf Kumrapore, Rs. 4-15-4.	
13	40	Katra Mobarak Mahal.	Kharkati . Urdubazar .	Ditto . Urdubazar .	Ditto . Ditto .	16 3 11¼	1 0 18¾	17 4 10	6 14 6	Zamindar of Kumrapore and Urdubazar.	
14	51	Pandarip Bagh .	Kharkati .	Kumrapore .	Ditto .	7 7 15	3 3 3¾	10 10 18¾	3 4 10	Ditto ditto.	
15	8	Bazar Gholam Hossein Khan.	Bazar Golam Hossein Khan.	Ditto .	Ditto .	.....	0 1 10	0 1 10	6 0 0	Estate of Darab Ali Khan.	
16	36	Ichaganj . .	Urdubazar . Devipore . Nausakht .	Urdubazar . Kumrapore . Nurmahomedpore.	Ditto . Ditto . Ditto .	27 4 12½	.....	27 4 12½	.....	.....	Jalibagh, a mouza of Golabbagh, has been included in mahal Ichaganj by the Special Deputy Collector, Jalibagh mouza.
17	9	Bagh Pul Assan Ullah Khan.	Devipore . Haidargunge .	Kumrapore . Ganjiat .	Ditto . Ditto .	2 8 10	.....	2 8 10	.....		
18	2	Ambarpore . .	Banmalipore .	Nurmahomedpore.	Ditto .	18 15 8¾	1 14 16½	20 10 5	3 10 3	Zamindar of Nurmahomedpore.	
19	26	Faizbagh . .	Hatha Mobarakbagh. Dusra Banmalipore.	Ditto . Kanaipara .	Ditto . Ditto .	7 17 7½	88 4 18¾	96 2 6¼	51 14 10	Zamindar of Nurmahomedpore, Rs. 23-5-5. Zamindar of Kanaipara, Rs. 27-15-5. Uma Kant Sarkar and Chunder Mani Gupta, as. 10.	
20	37	Islam Khan, Arazbegi Bagh.	Kurmitola .	Kumrapore .	Ditto .	.....	4 1 0	4 1 0	9 8 8½	Hoolash Chand Bothra, Rs. 8-8. Zamindar of taraf Karumpore, Re. 1-0-8½.	
21	64	Tikiatoli Bagh .	Ditto .	Ditto .	Ditto .	.....	3 2 15	3 2 15	3 4 8	Zamindar of taraf Kumrapore.	
22	41	Karimabadganj	Ditto . Ransagur .	Ditto . Ransagur .	Ditto . Ditto .	175 19 0	5 8 18¾	181 7 18¾	19 0 8	Zamindar of Kurmitolah, Rs. 5-3-6. Zamindar of Ransagur, Rs. 13-13-2.	
23	52	Pepulpati Bagh .	Ganj Karimabad and Kurmitola.	Kumrapore .	Ditto .	.....	.....	.....	.....	.....	The lands of this mahal have been surveyed along with the mahal Ganj Karimabad, and cannot be distinguished.
4	32	Hosseinbagh, Nawasi Khanam.	Ganj Karimabad.	Ditto .	Ditto .	.....	.....	.....		.....	Ditto.
	53	Painbag . .	Urdubazar .	Urdubazar .	Ditto .	2 6 17½	.....	2 16 1			

PART 3—*continued.*

Mahals, lakhiraj and khiraji, in District Moorshedabad.

1	2	3	4	5	6	7			8	9	
Consecutive number.	Number of the revised register of the Special Deputy Collector.	Name of Mahal.	Mouza.	Taraf.	Pergunnah.	AREA SHOWN IN THE REVISED REGISTER OF THE SPECIAL DEPUTY COLLECTOR.			Rental payable to zamindars per annum.	To whom rental payable.	REMARKS.
						Lakhiraj.	Khiraji.	Total.			
						B. K. G.	B. K. G.	B. K. G.	Rs. A. P.		
26	42	Kamlabagh . .	Hamamganj . Kumarpara . Khanpore . Govindpore .	Ganjiat . . Ditto . . Dilawarpore . Ditto .	Asadnagar . Chunakhali . Asadnagar . Ditto .	12 14 10	53 10 17½	66 5 7½	120 14 0	Zamindar of Hamdamganj, Rs. 71-0-10. Radhamohun Ghosh, Rs. 4-4-3. Nilmadhub Dutta, Rs. 18-14-11. Estate of Darab Ali Khan, Rs. 26-10.	
27	45	Makbara, Katra Jaffirkhan.	Budespara . Kharkati . Kumrapore . Kurmitollah . Sabzi Kati . Kanaipara .	Kumrapore . Ditto . Ditto . Ditto . Ganjiat . . Kanaipara .	Ditto . Ditto . Ditto . Ditto . Ditto . Ditto .	275 4 1½	0 14 2½	275 18 3¾	2 4 8	Zamindar of taraf Kumrapore.	
28	23	Dilkosha or Didfarbag.	Ganjiat . . Aliganj . . Akharegata . Shamsherganj	Ganjiat . . Ditto . . Ransagar . Ganjiat . .	Ditto . Ditto . Ditto . Ditto .	80 8 12½	173 2 6½	258 10 18¾	204 1 10	Zamindar of Ganjiat, Rs. 24-1-8. Zamindar of Akhirighat, Rs. 88-10. Zamindar of Ransagar, Rs. 91-6-2.	The former jama was Rs. 201-6-9, and Rs. 2-11-1 enhanced by recent settlement.
29	10	Babukhanbagh .	Ditto .	Saidpore .	Ditto .	2 17 10	.....	2 17 10	.....		
30	60	Shekari Halwaibagh.	Ditto .	Ditto .	Ditto .	85 7 17½	.....	85 7 17½	.....		
31	49	Naktakhalibagh .	Jinsi Topkhana. Nurmahomedpore.	Nurmahomedpore. Ditto .	Ditto . Ditto .	3 14 17½	5 7 16½	9 2 13¾	18 2 3	Estate of Darab Ali Khan, Rs. 9-2-8. Zamindar of Nurmahomedpore, Rs. 8-15-7.	

32	11	Bagh Basant imambarah.	Hasannagar	Ditto	Ditto	8 1 13¾	.....	8 1 13¾	.....	
33	12	Bagh Basant Talao.	Ditto	Ditto	Ditto	.....	2 9 13¾	2 9 13¾	4 14 5	Zamindar of Nurmahomedpore.
34	27	Filkhanabagh	Begamganj Kadamsharif Begamabad	Ditto Ditto Kanaipara	Ditto Ditto Ditto	.....	22 13 10	22 13 10	37 2 1	Ditto, Rs. 7-15-5. Zamindar of Kanaipara, Rs. 24-14-6. Estate of Basant Ali Khan, Rs. 4-4-2.
35	61	Sahibbagh Mahal	Shampore Ghatkola	Nurmahomedpore. Ditto	Ditto Ditto	50 8 5	1 19 2½	52 7 7½	8 3 11	Zamindar of Nurmahomedpore.
36	14	Umraoganj	Shahanagar Khodaiganj	..... Ghaneshampore	Chunakhali Asadnagar	6 14 2½	54 13 1½	61 7 3½	157 6 7	Zamindar of Shahnagar, Rs. 127-12-9. Zamindar of Ghaneshampore, Rs. 7-12-3. Mon Bibi and Abdul Hossein, Rs. 21-13-7.
37	6	Dumbakhanabagh	Shahanagar	.....	Chunakhali	6 14 11½	0 15 12½	7 10 3½	19 9 0	Zamindar of Shahnagar.
38	62	Stables	Hosainabad Kutubpore Dosra Banamalipore.	Kanaipara Ditto Ditto	Asadnagar Ditto Ditto	5 10 7½	38 5 1½	43 15 8¾	136 14 2	Zamindar of Kanaipara, Rs. 53-11-2. Estate of Darab Ali Khan, Rs. 42-3-0. Mohamda Mehter, Rs. 35. Ulfutunnissa Khanam, Rs. 6.
39	22	Chandia Lalbagh and Hath Lalbazar.	Banamalipore	Ditto	Ditto	97 1 13¾	0 4 6½	97 6 0	2 12 4	Zamindar of Kanaipara.
40	33	Hosseinbagh, Khorshed Mahal.	Sheikhpara	Ditto	Ditto	2 17 17½	.....	2 17 17½	.....	
41	54	Poshta Motijil and Katghar.	Motijil Ashurkhana Khanpore	Ditto Urdubazar Dilawarpore	Ditto Ditto Ditto	1,250 5 8¾	.....	1,250 5 8¾	.....	
42	46	Motijil Bagh	Shamatganj	Ganjiat	Ditto	.....	19 7 5	19 7 5	21 6 6	Zamindar of Mahal Ganjiat.
43	65	Talgachi Bagh	Motijil	Kanaipara	Ditto	5 9 3¾	33 7 7½	38 16 11½	53 5 2	Zamindar of Mahal Talgachi.
44	3	Amaniganj Bagh	Talgachi	Ditto	Ditto	38 16 1¾	.....	38 16 1¾	.....	
45	16	Pathanpara	Pathanpara Talgachi	Ditto Talgachi	Chunakhali Ditto	68 11 12¾	3 17 2½	72 8 15	4 4 3	Ditto.
46	5	Chuanpore Haveli	Chuanpore	.....	Ditto	60 16 3¾	.....	60 16 3¾	.....	

PART 3—*continued.*

Mahals, lakhiraj and khiraji, in District Moorshedabad—contd.

1	2	3	4	5	6	7			8	9	10
Consecutive number.	Number of the revised register of the Special Deputy Collector	Name of Mahal.	Mouza.	Taraf.	Pergunnah.	AREA SHOWN IN THE REVISED REGISTER OF THE SPECIAL DEPUTY COLLECTOR. Lakhiraj.	Khiraji.	Total.	Rental payable to zamindars per annum	To whom rental payable.	REMARKS.
						B. K. G.	B. K. G.	B. K. G.	Rs. A. P.		
47	34	Hamayun Manzil	Govindpore Khanpore	Dilawarpore Ditto	Asadnagar Ditto	596 18 10	.....	596 18 10	.....		
48	13	Barafhanabagh	Ditto	Ditto	Ditto	19 8 3½	.....	19 8 3½	.....		
49	4	Amirbagh	Akhbarpore	Ditto	Ditto	16 9 5	3 2 5	19 11 10	4 8 0	Nawab Zainul Abdeen, Khan Bahadur	
50	14	Bagh Sahibbagh	Ditto	Ditto	Ditto	11 9 11¼	20 9 10	31 19 1½	19 8 6	Estate of Darab Ali Khan, Rs. 15-13-1. Dinoobundhoo Chatterjea, Rs. 3-11-5.	
51	5	Afzulbagh	Aishbagh	Ditto	Ditto	182 3 15	.....	182 3 15	.....		
52	50	Nishatbagh	Bahramgunge.	Bahramgunge.	Ditto	.....	43 11 2½	43 11 2½	23 15 11	Zamindar of Bahramgunge.	
53	56	Ranjitpara Dilawarporebagh.	Ranjitpara	Khanpore	Ditto	7 16 15	.....	7 16 15	.....		
54	6	Akbarporebagh	Ditto	Ditto	Ditto	9 19 6½	3 11 16½	13 11 2½	5 13 10	Estate of Darab Ali Khan.	
55	57	Ramdasporebagh	Bhatpara	Ramdaspore	Ditto	.....	43 7 0	43 7 0	31 5 3	Zamindar of Ramdaspore.	
56	88	Jinsi Topkhana	Jinsi Topkhana	Rambhadropore	Ditto	464 4 7½	.....	464 4 7½	.....		
57	47	Mobarakbagh	Soshidapore	Soshidapore	Ditto	37 0 16½	32 5 5	69 6 1½	18 12 5	Zamindar of Soshidapore.	
58	7	Azimnagar Jaffirganj.	Katra Azimnagar.	Katra Azimnagar.	Ditto	186 16 8½	.....	186 16 8½	.....		
59	11	Katgolabagh Dada Asmat.	Shamganj	Ganjiat	Chunakhali	31 8 12½	8 7 0	39 15 12½	7 13 7	Government Khas Mahal.	The former jama was Rs. 6-10-8, and Rs. 1-2-11 enhanced by recent settlement.
60	15	Babarganj	Katra Azimnagar.	Katra Azimnagar.	Asadnagar	61 17 8½	.....	61 17 8½	.....		
61	63	Saidunganj	Ditto	Ditto	Ditto	36 11 5	.....	36 11 5	.....		
62	48	Mudafaganj	Sarfarajnagar	Ransagar	Ditto	20 18 5	.....	20 18 5	.....		
63	1	Begampore	Begampore	.....	Rajshahye	464 5 5	.....	464 5 5	.....		

64	24	Dost Alibagh .	Ransagar .	Ransagar .	Asadnagar .	.....	6 1 0	6 1 0	9 0 0	Zamindar of Ransagar.	
65	58	Ransagar Bagh .	Ditto .	Ditto .	Ditto .	10 5 5	6 1 0	16 6 5	7 4 3½	Ditto.	
66	29	Gulzarbagh . .	Ditto .	Ditto .	Ditto .	.. ...	9 12 3½	9 12 3½	17 1 3	Ditto.	
67	43	Khodaiganjbagh .	Khodaiganj .	Ghaneshampore	Ditto .	.....	17 5 5	17 5 5	6 8 0	Zamindar of Ghaneshampore.	
68	30	Gourharibagh .	Ghaneshampore	Ditto .	Ditto .	58 9 16½	.....	58 9 16½	.....		
69	16	Bansbarabagh .	Ditto .	Ditto .	Ditto .	.....	24 3 15	24 3 15	23 1 8	Zamindar of Ghaneshampore.	
70	17	Bagh Emam Buksh Jemadar.	Ditto .	Ditto .	Ditto .	.....	23 8 12½	23 8 12½	20 0 9	Ditto ditto.	
71	25	Damwa Pokhar .	Ditto .	Ditto .	Ditto .	.....	5 8 0	5 8 0			
72	15	Umdaganj . .	Baluchar .	Durgapore .	Chunakhali .	8 11 0	.....	8 11 0	.....	.....	9 k. 3¼ g. of land in mahal Umdaganj granted as a site for a temple.
73	12	Kotla Yasin Khan.	Mohimapore .	Mullickpore .	Ditto .	190 13 1½	.....	190 13 1½	.....		
74	3	Bhairabnagar and Bhairabpara.	Ditto .	.....	Ditto .	64 11 15	.....	64 11 15	.....		
75	5	Karimabad Bagh Jaffree Begam.	Karimabad .	Mullickpore .	Rokanpore .	37 14 5	.....	37 14 5	.....		
76	6	Ditto Bohu Begam	Akhbarpore .	Ditto .	Ditto .	.....	132 15 15	132 15 15	86 8 0	Zamindar of Mullickpore.	
77	13	Umdabagh . .	Nowada . .	Ditto .	Ditto .	62 7 17½	12 3 15	74 11 12½	8 8 6	Ditto ditto.	
78	4	Huriganjbagh .	Huriganj . .	Ditto .	Ditto .	.....	8 11 0	8 11 0	9 3 6	Ditto ditto.	
79	8	Mohimapore and Mirpore.	Mohimapore .	Ditto .	Ditto .	13 4 0	.....	13 4 0	.....		
			Mirpore . .	Ditto .	Ditto .						
80	1	Bhagwangolabag	Balia . .	.....	Ditto .	.....	12 1 8½	12 1 8½	4 0 0	Zamindar of Bahu Shampore.	
			Shampore .								
81	.	Nawabnagar Mewakhana, Chak Bhojraj.	Mewakhana .	.....	Chakla Lashkarpore, Sheikhalipore, Bahadoorpore.	1,579 19 6½	.....	1,579 19 6½	.....		
82	3	Gola Anarbagh .	Ditto .	.....	Rokanpore .	77 12 8½	.....	77 12 8½	.....		
83	1	Budharbagh, Khairkhanbagh.	Budhar . .	Budhar .	Kantonagar.	77 5 3½	.....	77 5 3½	.....		
84	2	Nawabganj and Bezaganj.	Nawabgunge .	Nawabgunge .	Ditto .	560 14 6½	.....	560 14 6½	.....		
85	3	Nilampara and Bilchatra.	Nilampara .	Bilchatra .	Ditto .	289 5 11½	.....	289 5 11½	.....		
86	4	Baghsarai, Rumna	Gaokhana Bagsarai.	Dewansarai .	Chunakhali .	843 13 1½	.....	843 13 1½	.....		
87	13	Kushkkhana .	Dewansarai .	Ditto .	Ditto .	44 19 11½	.....	44 19 11½	.....		
88	1	Gopalpore . .	Jungipore .	.....	Gunkar .	16 0 1½	.....	16 0 1½	.....		
89	8	Faizpore Singuti .	Khanamnagar.	.....	Chunakhali	112 2 5	.....	112 2 5	.....		
90	7	Ellahipore Badhal.	Ellahipore Badhal.	.....	Ditto .	60 15 7½	.....	60 15 7½	.....		

PART 3—*concluded.*

Mahals, lakhiraj and khiraji, in District Moorshedabad—concld.

1	2	3	4	5	6	7			8	9	10
Consecutive number.	Number of the revised register of the Special Deputy Collector.	Name of Mahal.	Mouza.	Taraf.	Pergunnah.	Area shown in the revised register of the Special Deputy Collector.			Rental payable to zamindars per annum.	To whom rental payable.	Remarks.
						Lakhiraj.	Khiraji.	Total.			
						B. K. G.	B. K. G.	B. K. G.	Rs. A. P.		
91	17	Sridharbati	Alinagar	.....	Chunakhali	127 14 0	.....	127 14 0	.....	.....	Grant held void from death of Nawab Nazim by paragraph 18 of declaration of Commissioners, dated 13th December, 1875. Right, title and interest of grantee sold on 17th November, 1874, by order of the Civil Court at Berhampore and purchased by Rai Luchmipat Singh Bahadur; purchaser in possession. Suit pending for recovery of possession.
92	2	Alinagar	Ditto	.....	Ditto	19 15 15	.....	19 15 15	.....		
93	4	Sadakbagh	Sadakbagh	.....	Rajshahye	1,068 0 11½	.....	1,068 0 11½	.....		
94	2	Benaipur Rumna	Benaipura	.....	Ditto	172 12 17½	.....	172 12 17½	.....		
95	2	Mohiuddinpore Rumna.	Bilpara	.....	Gaisabad	1,789 10 15	100 8 0	1,889 18 15	7 12 8	To Government on account of Rumna Meharang, towji No 1908, of Moorshedabad District, included in Mohiuddinpore.	
96	3	Sheikhdighi Rumna	Sheikhdighi	.....	Gunkar	5,827 3 18¾	.....	5,827 3 18¾	.....		
97	1	Garshama Rumna	Garshama, Luchmanpore, Begampore.	Garshama	Gaisabad	3,893 12 5	.....	3,893 12 5	.....		
98	3	Bajitpore Rumna	Chargacha, Mohimapore.	Bajitpore	Rajshahye	2,571 2 8¼	.....	2,571 2 8¼	.....		
99	1	Benodebati Rumna	Gorpahar, Fulsadanga.	Binodebati	Bharul	1,691 11 16¼	.....	1,691 11 16¼	.....		
100	5	Mirzapara	Mirzapara	.....	Ditto	77 5 5	.....	77 5 5	.....		
101	3	Golabbagh	Bonarpara	Golabbagh	Ditto	721 11 7½	.....	721 11 7½	.....		
			Palash Pokhar	Ditto	Asadnagar						
			Zokhirabagh	Ditto	Ditto						
			Moradbagh	Ditto	Ditto						
			Herajil	Ditto	Bharul						
			Mahinagar	Ditto	Asadnagar						
			Farabagh	Ditto	Ditto						
			Haidarganj	Ganjiat	Ditto						
			Golabbagh	Golabbagh	Bharul						
			Zokhiri bagh Chota.	Ditto	Asadnagar						
			Koshba	Ditto	Ditto						
			Satlakhi	Ditto	Moraripore						
			Kumrapore	Kumrapore	Asadnagar						
			Asburkhana Dadaasmat.	Uidubazar	Ditto						

102	35	Huda Bibiganj	Bibiganj	.....	Ditto	165 0 5	.....	165 0 5	.....		
103	9	Mobarakgunge *alias* Roshniganj.	Roshniganj	.....	Rokanpore	142 10 13¾	.....	142 10 13¾	.....		
104	10	Molabagh	Satlakhi	Satlakhi	Ditto	.....	33 17 17½	33 17 17½	81 8 0	Government Khas Mahal.	The former jama was Rs. 26-10, and Rs. 54-14 enhanced by recent settlement.
105	11	Makursabagh	Makursa	.....	Ditto	.....	8 5 17½	8 5 17½	10 10 6	Nawab Raisunnissa Begum Sahiba.	
106	12	Naiagaon	Naiagaon	.....	Ditto	202 4 17½	.....	202 4 17½	.....		
107	2	Farrahganj	Farrahganj	.....	Ditto	31 3 10	.....	31 3 10	.....		
108	7	Lalkoti	Lalkoti	.....	Ditto	161 3 2½	.....	161 3 2½	.....		
109	6	Mohendra Sagarbagh and Burrabagicha.	Rajbati	Nundibati	Bharul	.....	29 17 10	29 17 10	100 0 0	Bohu Rani Horosundari.	
110	7	Nundibati	Nundibati	Ditto	Ditto	.....	59 2 0	59 2 0			
111	2	Chak Azizullah, Kismut Shamrai, Sudder Deori, and Kismut Chowni Rup Singh.	Ganj Rajbati	Rajbati	Ditto	.....	79 12 11½	79 12 11½	40 0 0	Ditto ditto.	
112	4	Kishenbagh	Baranagar	.....	Ditto	.....	11 9 15	11 9 15	39 3 0	Zamindar of Baranagar.	
113	1	Ugara	Ugara	.....	Mahalandi	40 16 8	.....	40 16 8	.....		
114	1	Chandpore Rumna.	Hamayunnagar Mansurnagar	Chandpore Ditto	Kulbaria Ditto	7,686 13 1¼	.....	7,686 13 1¼	.....		
115	3	Gouripore Rumna	Begumnagar	Gouripore	Ditto	5,312 9 8¾	.....	5,312 9 8¾	.....		
116	9	Gopalnagar	Gopalnagar	.....	Chunakhali	423 10 10	.....	423 10 10	.....		
117	10	Gopalpara	Gopalpara	Amaipara	Ditto	21 2 0	.....	21 2 0	.....		
118	2	Dharampore Rumna	Dharampore	.....	Kulbaria	3,279 18 2½	.....	3,279 18 2½	.....		
119	1	Barkhari Rumna	Barkhari	.....	Fatehsing	3,316 12 11¼	.....	3,316 12 11¼	.....	.....	Transferred from District Beerbhoom to Moorshedabad.
120	1	Dadpore Haveli	Dadpore	.....	Palasi	117 18 0	.....	117 18 0	.....	.....	Transferred from Nuddea to Moorshedabad.

PART 3.

List of Mouzas included in Mahals mentioned in the Nizamut Commission Declaration, but surveyed separately by the Special Deputy Collector, District Moorshedabad.

1	2	3	4	5	6	7			8	9	10
Consecutive No.	No. of the revised Register of the Special Deputy Collector.	NAME OF MAHAL.	MOUZA.	Taraf.	Pergunnah.	AREA SHOWN IN THE REVISED REGISTER OF THE SPECIAL DEPUTY COLLECTOR.			Rental payable to zamindar per annum.	To whom rental payable.	REMARKS.
						Lakhiraj.	Khiraji.	TOTAL.			
						B. K. G.	B. K. G.	B. K. G.	Rs. A. P.		
1	18	Harishpore, Goalpara.	Harishpore, Goalpara.	..	Chunakhali	80 5 15	...	80 5 15	...	...	Included in mahal Rumna Gouripore.
2	8	Chopsibagh . .	Chopsibagh . .	...	Bharul .	36 18 15	...	36 18 15	...	...	Ditto Huda Bibigunge.
3	9	Falsabagh . .	Kumarpore . .	...	Ditto .	95 8 0	...	95 8 0	...	...	Ditto Golabbagh.
4	11	Bagh Nowbut Rai.	Bagh Nowbut Rai.	...	Ditto .	10 2 12½	...	10 2 12½	...	...	Ditto Huda Bibigunge.
5	10	Chota Falsabagh .	Kumarpore . .	...	Ditto .	14 18 7½	...	14 18 7½	...	...	Ditto ditto.
6	4	Begamganj . .	Begamganj . .	...	Gowas .	58 10 11½	...	58 10 11½	...	...	Ditto Nawabganj Rezaganj.
7	3	Jhul Jhorial Daha.	Jhul Jhorial Daha	...	Gaisabad .	116 17 16½	...	116 17 16½	...	...	Ditto Rumna Baghsarai.
8	67	Bairagibagh . .	Khanpore . .	...	Asadnagar	13 4 15	...	13 4 15	...	...	Ditto Poshta Motejil.
9	12	Nundibati . .	Aminabazar . .	...	Bharul .	5 10 10	...	5 10 10	...	...	Ditto Huda Bibigunge.
10	20	Katgolabagh, Dulhin Begam.	Katgolabagh .	...	Chunakhali	4 6 0	...	4 6 0	...	...	Ditto Azimnagar, Jaffirganj.

Part 4.

Mahals in other Districts.

1	2	3	4	5	6	7			8	9	10
Consecutive No.	No. of the revised Register of the Special Deputy Collector	Name of Mahal.	Mouza.	Pergunnah	District.	Area shown in the revised Register of the Special Deputy Collector.			Rental payable to zamindars per annum.	To whom rental payable	Remarks.
						Lakhiraj.	Khiraji.	Total.			
						B. K. G	B. K. G.	B. K. G.	Rs. A. P		
1	1	Kasimganj and Nawabganj	Nawabganj . .	Kankjole .	Sonthal Pergunnahs	309 13 8¾	...	309 13 8¾	...		
2	2	Nageshurbagh .	Nageshurbagh .	Ditto .	Ditto .	811 4 17¼	...	811 4 17¼	...		
3	3	Muskibagh . .	Muskibagh . .	Ditto .	Ditto .	96 11 16¼	...	96 11 16¼	.		
4	1	Mohiuddinpore .	Mohiuddinpore .	Laskarpore.	Rajshahye.	107 12 10	...	107 12 10	...		
			Sherpore . .	Ditto .	Ditto .						
			Hossunpore . .	Ditto .	Ditto .						
5	2	Emamganj . .	Emamganj . .	Gurishat .	Ditto .	402 18 13¾	...	402 18 13¾	...		
6	1	Harinagobra Jamushkhana.	Harinagobra . .	Bahurbund	Rungpore .	4,627 17 10	...	4,627 17 10	.		
7	1	Nazimuddin Aliganj	Aliganj, Katea, Fakurudowlah, Bagh Jaffirkhana	...	Patna .	159 17 18¾	...	159 17 18¾	...		
8	1	Konnogur . .	Konnogur . .	Barrah .	Hooghly .	3 4 8¾	...	3 4 8¾	...		
9	1	Chandni Ghât .	. ..	...	Dacca .	1 6 16¼	...	1 6 16¼	...		
10	1	Calcutta . .	Moydapatty, &c. .	...	...	14 16 0	..	14 16 0	...	..	The Moydapatty Estate comprises No. 23, Moydapatty Lane, No. 21, Dhurmahatta Street; Juggernath ghât comprises No. 49, Strand Road, Nos. 1, 2, 3, 4 and 5, Nawab's Lane, and Nos. 234, 235, 236, Dhurmahatta Street; Nawabpookur comprises Nos. 9 and 10, Kalokur Street, and Nos. 37, 38, Shibtollah Street, and No. 21, Rutton Sircar's Garden Street. The bulk of this property is in possession of the Nawab Bahadoor. Suits are pending for recovery of possession of the remainder. Jorasanko comprises Nos. 70 and 71 1 Upper Chitpore Roa
11	4	Ditto . .	Jorasanko . .	...	...	0 10 18¾	...	0 10 18¾	...	..	

PART 5.

List of landed Estates over and above Parts 3 and 4 surveyed separately by the Special Deputy Collector in charge Nizamut Land Survey.

1	2	3	4	5	6	7			8	9	10
Consecutive No.	No. of the revised register of the Special Deputy Collector.	NAME OF MAHAL.	Mouza.	Pergunnah.	District.	AREA SHOWN IN THE REVISED REGISTER OF THE SPECIAL DEPUTY COLLECTOR.			Rental payable to zamindars per annum.	To whom rental payable.	REMARKS.
						Lakhiraj.	Khiraji.	TOTAL.			
						B. K. G.	B. K. G.	B. K. G.	Rs. A. P.		
1	4	Bahaliapara . .	Ujulmanick . .	Gunkur .	Moorshedabad.	144 16 7½	...	144 16 7½	...		
2	5	Patkhildanga, Bahaliapara.	Patkhildanga, Bahaliapara.	Ditto .	Ditto .	3 18 0		3 18 0	...		
3	6	Bahaliapara . .	Utari . . .	Ditto .	Ditto .	48 3 2½	..	48 3 2½	...		
4	5	Deghirpara . .	Basharpore Rumna	Goas .	Ditto .	34 14 6¼	..	34 14 6¼	...		
5	6	Nawab Bhita . .	Nawab Bhita. .	Ditto .	Ditto .	17 15 6¼	...	17 15 6¼	...		

SCHEDULE II TO DEED OF SETTLEMENT.

A.

List of Nizamut State Buildings to be permanently maintained.

No.	Number in the list submitted with No 1965N, dated 25th November 1889, to Government.	Buildings.	Occupants.	Remarks of Nawab Bahadoor	Remarks by Collector
		Within Palace precincts.			
1	1	Large palace	Nawab Bahadoor of Moorshedabad.		Including sun-dial with iron railings.
2	2	South entrance gateway . . .	Ditto		
3	3	Quarters of body-guard . . .	Ditto		
4	4	Khansamani and farashkhanah . .	Ditto . . .	The entire northern block of the khansamani The whole of the farashkhanah, excepting the rooms on both sides of its entrance gate.	
5	7	Baitakhanah and mahal sarai . .	Ditto . . .	Including the new dwelling-house with all the out-offices.	The new dwelling house with its out-offices is the new construction which the Nawab is building, and when the grant of Rs 30,000 was made by Government this new dwelling house was not in existence
	11	Clock tower	Ditto.		
		Iron railing	Ditto . . .	...	The iron railing runs from the large imambarah to Nawab Zainul Abdeen's house by the side of the main road
7	12	Large imambarah	Ditto		
8	16	Small musjid on river bank near Darab Ali's house	Ditto.		
	17	Small musjid on river bank near large palace	Ditto.		
10	18	Side of old Medina	Ditto.		
11	.	The gateway (chauk entrance) . .	Ditto		
12	.	Bawarchikana quadrangle . . .	Ditto . . .		Included in No. 3 of Statement B, of which it is a continuation.
13	20	Large stables with out-offices . .	Ditto . . .	Excepting the two middle blocks and the out-offices.	
14	30	Stables at Bahramgunge . .	Ditto		
15	28	Garden house Mobarak Manzil with out-offices.	Ditto . . .	Excepting the two guard-houses, gaokhanah, godown near kutcheri house, and the eastern projection of the bawarchikhana.	
16	.	Palace roads	Ditto.		

SCHEDULE II.

B.

List of Nizamut State Buildings, the maintenance of which is optional.

No.	Number in the list submitted to Government with No. 195N, dated 25th November.	Buildings.	Occupants.	Remarks by the Nawab Bahadoor.	Remarks by the Collector.
		Within Palace precincts.			
1	5	Nawab Raisunnissa Begam's Deori	Nawab Raisunnissa Begam	Optional . .	Her own quarters, also Khorshedmahal and No. 1, Rownuck Afza Fulluck Kudr Nazir Ali Mirza oorf Chootoo Sahib and Hatem Kudr Kaikous Mirza live with her in this Deori. In the apportionment of Nizamut State buildings, under Government Order No 1765P., dated 13th October, 1881, this building was made over to her for her use, and to be repaired in future by her at her own expense.
2	6	Rungmahal and Khorshedmahal.	Anjum Kudr Daood Mirza .	Ditto . .	Rungmahal occupied by Anjum Kudr and Khorshedmahal by Nawab Raisunnissa Begam The above remark applies in this case also as regards the present use and future repairs of the building
3		His Highness' Deori, including Prince's quadrangles.	Wala Kudr and his mothe- Nawab Shahunnissa Begam.	Ditto . .	Imambarah quadrangles included. Remarks as above.
		Ditto	Nawab Bahadoor . .	Optional; unoccupied.	Lalbangla quadrangles and Mewahkhana included. Remarks as above
		Ditto	Ditto . .	Optional . .	Motimahal or Nawab Bahadoor's present quarters Remarks as above.
		Ditto	Humayun Kudr Mahomed Ali Mirza oorf Amir Saheb	Ditto . .	Occupied by his heirs. Remarks as above.

		Ditto	Khanams and Harams, heirs of late Misan Saheb and Bakir Mirza.	Ditto . .	No. 1, Rekabkhana. „ 2, ditto. „ 3, ditto. „ 4, Chandumahal and Khawashpura. Remarks as above.
	9	Arched buildings east of Amir Saheb's gateway.	Nawab Bahadoor . .	Ditto . .	Remarks as above.
5	10	Rownuck Afza . . . Ditto . . . . Ditto . . . . Ditto . . . . Ditto	Asman Kudr . . . Surrya Kudr . . . Dara Kudr . . . Kaoos Kudr . . . Jaffer Mirza . . .	Ditto . . Ditto . . Ditto . . Ditto . Ditto .	Old mehal, serai No. 2 quadrangle. Ditto „ 6 ditto. Ditto „ 4 ditto. Ditto „ 3 ditto. Ditto „ 5 ditto. Remarks as above.
6	13	Dewan's official residence .	Soleman Kudr and Khorshed Kudr.	Ditto .	Dwelling-house. stables, coach-house, a portion of cook-house. Remarks as above.
7	14	Residence of Nawab Zainul Abdeen.	Nawab Zainul Abdeen.		
8	15	Darab Ali Khan's residence	Meah Arjumund Meah Amangoonga.	Optional . .	This comprises Darab Ali Khan's house and Imambarah which Nawab Bahadoor owns by a will. Also separate quarters of Meah Arjumund and Amangoonga.
9	19	Barrack outside . . .	Nawab Bahadoor . .	Ditto .	Entered as guard-house in declaration of Nizamut Commission.
10	24	House of Sultan Gaitiarah Begam.	Sultan Gaitiarah Begam .	Ditto . .	Khorshed Kudr Bahram Mirza lives in this Deori with his aunt. Remarks as above, No. 1.
11	25	House of Asufuddin Ali, now his grandson Fyazuddin Ali.	Syud Fyazuddin Ali . .	...	Occupant is the grandson of Asufuddin Ali. The house will be repaired by him.
12	26	House of Nawab Syud Jaffer Ali Khan.	Syud Mozuffer Ali . .	...	Occupant is grandson of Nawab Jaffer Ali Khan. He pays Rs. 80 per mensem for repairs which is executed by Public Works Department under Government Order No. 571P., dated the 1st March, 1882.
13	27	Motijil garden-house without out-offices.	Nawab Bahadoor . .	Optional.	

SCHEDULE III TO DEED OF SETTLEMENT.

No.	Name of Estate.	Pergunnah.	District.	Number on district towji.	Area.	Government revenue.	REMARKS.
					B. K. G.	Rs.	
1	Kila Nayagram .	Kila Nayagram	Midnapur . .	1544	365,803 19 11	500	The area shown in column 6 includes valid lakhiraj es belonging to others. This pergunnah was purchased from sale-proceeds of jewels (Schedules V and VI of Nizamut Commissioners) at a cost of Rs. 5,06,000.

Witnesses—

(*Signed*) G. R. IRWIN,
Officiating Under Secretary to the Government of India.

(*Signed*) G. W. F. BUCKLAND.

(*Signed*) W. J. CUNINGHAM,
Officiating Secretary to the Government of India.

Seal.

Witnesses—

(*Signed*) S. E. J. CLARKE,
Calcutta.

(*Signed*) G. W. F. BUCKLAND.

(*Signed*) HUSSAN ALI MIRZA.

Seal of the Nawab Bahadoor.

Government of India Central Printing Office.—No. 115 L. D.—7-5-91—3,900.—A E DeS.

ACT No. XVI of 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 14th May, 1891.)

An Act to declare certain Courts in British India to be Colonial Courts of Admiralty.

53 & 54 Vict., c. 27.

WHEREAS it is provided by the Colonial Courts of Admiralty Act, 1890, that the Legislature of a British possession may by any colonial law declare any Court of unlimited civil jurisdiction in that possession to be a Colonial Court of Admiralty;

And whereas it is expedient, in pursuance of that provision, to declare certain Courts in British India to be Colonial Courts of Admiralty;

It is hereby enacted as follows:—

Title and commencement.

1. (*1*) This Act may be called the Colonial Courts of Admiralty (India) Act, 1891; and

(2) It shall come into effect,—

(*a*) if Her Majesty's pleasure thereon has been signified, by notification in the Gazette of India, on or before the first day of July, 1891, then on that day, or

(*b*) if Her Majesty's pleasure thereon has not been so signified on or before that day, then on the day on which Her Majesty's pleasure shall be signified by such a notification as aforesaid.

Appointment of Colonial Courts of Admiralty.

2. The following Courts of unlimited civil jurisdiction are hereby declared to be Colonial Courts of Admiralty, namely:—

(*1*) the High Court of Judicature at Fort William in Bengal,

(*2*) the High Court of Judicature at Madras,

(*3*) the High Court of Judicature at Bombay,

(*4*) the

[*Price one anna and three pies.*]

(*4*) the Court of the Recorder of Rangoon,

(*5*) the Court of the Resident at Aden, and

(*6*) the District Court of Karachi.

Construction of Indian Acts referring to Admiralty and Vice-Admiralty Courts.

3. The expressions "Court having Admiralty jurisdiction" and "Admiralty Court" and the expression "Admiralty or Vice-Admiralty cause," and other expressions referring to Admiralty or Vice-Admiralty Courts or causes, shall, wherever any such expression occurs in any enactment of the Governor General in Council, or of a Governor in Council or Lieutenant-Governor in Council, be deemed to include a Colonial Court of Admiralty and a Colonial Court of Admiralty cause, and to refer to a Colonial Court of Admiralty or a Colonial Court of Admiralty cause, respectively.

Court-fees in suits in the Colonial Courts of Admiralty at Rangoon, Aden and Karachi.

4. Court-fees in suits instituted in the Colonial Court of Admiralty at Rangoon, Aden or Karachi shall, unless the jurisdiction of the Court is to be exercised in any matter relating to the slave-trade, be leviable in accordance with the provisions of Chapter III of the Court-fees Act, 1870. VII of 1870.

Repeal.

5. The enactments mentioned in the schedule are hereby repealed to the extent specified in the third column thereof.

THE SCHEDULE.

(*See section 5.*)

ENACTMENTS REPEALED.

Number and year.	Subject or title.	Extent of repeal.
1	2	3
XI of 1889 .	Lower Burma Courts Act, 1889.	Section 49, and the words "*Admiralty Jurisdiction*" prefixed thereto.
II of 1864 .	Justice at Aden . .	In the preamble the words and figures from and inclusive of "and whereas Her Majesty" down to and inclusive of "Statute 12 and 13 Vict., 84."

Government of India Central Printing Office.—No. 152 L. D.—1-6-91.—4,400.—A. E. deS

ACT No. XVII OF 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 20th August, 1891.)

An Act to amend the Indian Merchant Shipping Act, 1880.

WHEREAS it is expedient to amend and add to the provisions of the Indian Merchant Shipping Act, 1880 (hereinafter called the said Act), respecting unseaworthy and unsafe ships; It is hereby enacted as follows:—

VII of 1880.

1. (*1*) This Act may be called the Deck and Load Lines Act, 1891: and

Title and commencement.

(*2*) It shall come into force on the first day of September, 1891.

2. To section 3 of the said Act the following shall be added, namely:—

Addition to section 3, Act VII, 1880.

"The Local Government, with the previous sanction of the Governor General in Council, may from time to time, by notification in the local official Gazette, exclude from, or bring again within, the operation of this Chapter or any part thereof, subject to such modifications thereof (if any) as may be specified in the notification, any Native craft not square-rigged."

3. To section 4 of the said Act the following shall be added, namely:—

Addition to section 4, Act VII, 1880.

"'Amidships' means the middle of the length of the load water-line as measured from the fore side of the stem to the aft side of the stern-post."

4. For sections 33 to 43, both inclusive, of the said

Substitution

[*Price two annas and six pies.*]

of new sections for sections 33 to 43, Act VII, 1880.

said Act the following sections shall be substituted, namely :—

" *Deck and Load-lines.*

Marking of deck-lines.

" 33. (*1*) Every British Indian ship shall be permanently and conspicuously marked outside with lines of not less than twelve inches in length and one inch in breadth painted longitudinally on each side amidships, or as near thereto as practicable, and indicating the position of each deck which is above water.

(*2*) The upper edge of each of these lines shall be level with the upper side of the deck-plank next the waterway at the place of marking.

(*3*) The line shall be white or yellow on a dark ground, or black on a light ground.

Marking of load-lines in case of vessels which are not coasting-vessels.

" 34. (*1*) The master of every British ship not being a coasting-vessel within the meaning of the Sea Customs Act, 1878, shall, before his ship is entered outwards from any port in British India upon any voyage, or, if that is not practicable, as soon after as may be, mark outside upon each of her sides amidships, or as near thereto as practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc twelve inches in diameter, with a horizontal line eighteen inches in length drawn through its centre. VIII of 1878.

(*2*) The centre of the disc shall be placed at such level below the deck-line marked under the provisions of this Chapter or of the Merchant Shipping Act, 1876, as may be approved by the Local Government, and shall indicate the maximum load-line in perfectly smooth salt-water to which it shall be lawful to load the ship. 39 & 40 Vict c. 80.

(*3*) When a ship has been marked as by this section required, she shall be kept so marked until she next returns to a port of discharge in British India or arrives at a port in the United Kingdom.

Statement in application to Customs.

" 35. (*1*) Every person applying for entry of any such ship outwards shall insert, in the form of application

plication made to the Customs-collector, a statement in writing of the distance in feet and inches between the centre of such disc and the upper edge of each of the lines indicating the position of the ship's decks which is above such centre; and, if default be made in delivering this statement, the Customs-collector may refuse to enter the ship outwards.

officer for entry outwards of such vessel as aforesaid.

(*2*) A copy of this statement shall be entered in the agreement with the crew before it is signed by any member of the crew, and no shipping master shall proceed with the engagement of a crew for any such ship until this entry has been made.

(*3*) The master shall enter a copy of this statement in the official log-book (if any).

"36. (*1*) The master of every British ship which is a coasting-vessel within the meaning of the Sea Customs Act, 1878, shall, before proceeding to sea from any port, mark outside upon each of her sides amidships or as near thereto as practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc twelve inches in diameter, with a horizontal line eighteen inches in length drawn through its centre.

VIII of 1878.

Marking of load-lines in case of coasting-vessels.

(*2*) The centre of the disc shall be placed at such level below the deck-line marked under the provisions of this Chapter or of the Merchant Shipping Act, 1876, as may be approved by the Local Government, and shall indicate the maximum load-line in perfectly smooth salt-water to which it shall be lawful to load the ship.

39 & 40 Vict, c. 80

(*3*) When a ship has been marked as required by this section, she shall be kept so marked until notice has been given of an alteration.

"37. (*1*) The master of every such ship shall also once in every twelve months, immediately before the ship proceeds to sea, send or deliver to the Collector, or other principal officer of Customs of such port as the Local Government may, from time to time, appoint in this behalf, a statement in writing of the distance in feet and inches between the centre of the disc

Annual statement as to position of load-line on coasting-vessel.

disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre.

(*2*) The master, before the ship proceeds to sea after any renewal or alteration of the disc, shall send or deliver to the Collector or other principal officer of Customs aforesaid notice in writing of such renewal or alteration, together with such statement in writing as before mentioned of the distance between the centre of the disc and the upper edge of each of the deck-lines.

(*3*) If default be made in sending or delivering any notice or statement required by this section to be sent or delivered, the master shall be liable to a fine which may extend to one thousand rupees.

Modification of certain foregoing provisions.

"38. The foregoing provisions of this Chapter with respect to deck and load-lines are subject to the provisions of the two next following sections.

Position of disc and approval of and certificate as to position thereof.

"39. (*1*) The position of the discs mentioned in sections 34 and 36 respectively shall be fixed in accordance with the tables framed by the Load-line Committee appointed in the United Kingdom before the passing of the Merchant Shipping Act, 1890, subject to such allowance as may be necessary in consequence of any difference between the position of the deck-line marked under the provisions of this Chapter or of the Merchant Shipping Act, 1876, and the position of the line from which free board is measured under the said tables, and subject also to such modifications, if any, of the tables and the application thereof as may from time to time, with the previous approval of the Governor General in Council, be sanctioned by the Local Government.

53 Vict., c. 9.

39 & 40 Vict., c. 80.

(*2*) The Local Government shall from time to time appoint—

(*a*) a surveyor employed by Lloyd's or by any other society, corporation or association for the survey or registry of shipping approved by the Board of Trade under section 2 of the Merchant Shipping Act, 1890, and specially

53 Vict., c 9.

specially authorised in this behalf by Lloyd's or by such society, corporation or association, as the case may be, or

(*b*) an officer specially selected by the Local Government for the purpose,

to approve and certify on its behalf from time to time the position of any such disc as aforesaid, and any alteration thereof,

and may, with the previous sanction of the Governor General in Council, from time to time fix the fees to be taken in respect of any such approval or certificate.

(*3*) The Local Government may suspend or remove from office any surveyor or officer so appointed.

"40. (*1*) The Local Government, with the previous sanction of the Governor General in Council, may from time to time make rules— Rules.

(*a*) determining the lines or marks to be used in connection with any such disc as aforesaid, in order to indicate the maximum load-line under different circumstances and at different seasons, and declaring that the provisions of this Chapter are to have effect as if any such line were drawn through the centre of the disc;

(*b*) as to the mode in which the disc and the lines or marks to be used in connection therewith are to be marked or affixed on the ship, whether by painting, cutting or otherwise;

(*c*) as to the mode of application for, and form of, certificates under this Chapter; and

(*d*) as to the entry of such certificates, and any other prescribed particulars concerning the draught of water and free-board of the ship, in the official log (if any) of the ship, or other publication thereof on board the ship, and as to delivering copies of such entries.

(*2*) Rules

(*2*) Rules under clause (*a*) of sub-section (*1*) may, with respect to any class or classes of ships,—

(*i*) declare what shall be deemed to be seasons of fair weather and seasons of foul weather, respectively, for any of the purposes of the rules, and

(*ii*) modify the tables referred to in sub-section (*1*) of section 39.

(*3*) All rules intended to be made under this section shall previously be published in draft in such manner as may be prescribed by the Local Government, and shall not be formally promulgated for ninety days at the least after such publication, and all such rules shall, while in force, have effect as if enacted by this Act.

Penalty for neglecting to mark, or submerging, load-line.

"41. Any master of a ship who neglects to cause his ship to be marked as by this Chapter required or to keep her so marked, or who allows the ship to be so loaded that when in perfectly smooth salt-water the centre of the disc is submerged,

and any person who conceals, removes, alters, defaces or obliterates, or suffers any person under his control to conceal, remove, alter, deface or obliterate, any of the lines or marks prescribed by or under this Chapter, except in the event of the particulars thereby denoted being lawfully altered, or for the purpose of escaping capture by an enemy,

shall be liable in respect of each such offence to a fine which may extend to one thousand rupees.

Penalty on master for having misleading marks.

"42. The master of any ship on which any of the marks or lines prescribed by or under this Chapter is inaccurately placed so as to be likely to mislead, who does not forthwith cause such inaccuracy to be corrected, shall be liable to a fine which may extend to one thousand rupees.

Saving of ships marked in the United Kingdom.

"43. The provisions of this Chapter as to load-lines shall not apply to ships coming from ports in the United Kingdom and having such lines fixed, marked and certified in accordance with the provisions of the law for the time being there in force, or

to

to ships registered in a British possession and having such lines fixed, marked and certified in accordance with the provisions of an enactment passed by the Legislature of that possession, with respect to which enactment such a declaration as is mentioned in section 3 of the Merchant Shipping Act, 1890, has been made by an Order of Her Majesty in Council and is for the time being in force."

53 Vict., c. 9.

Addition to Act VII, 1880.

5. To the said Act the following section shall be added, namely:—

Application of provisions respecting overloading to foreign ships.

"85. The provisions of this Act for the prevention of the overloading and improper loading of British ships shall apply to foreign ships also when in ports of British India unless such foreign ships, if in ports of the United Kingdom, would be entitled to the benefit of an Order of Her Majesty in Council under section 4 of the Merchant Shipping Act, 1890."

53 Vict., c. 9.

Government of India Central Printing Office.—No 179 L. D.—7-9-91.—4,400.—A. E. de S

ACT No. XVIII OF 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 1st October, 1891*)

An Act to amend the Law of Evidence with respect to Bankers' Books.

WHEREAS it is expedient to amend the Law of Evidence with respect to Bankers' Books; It is hereby enacted as follows:—

Title, extent and commencement.

1. (*1*) This Act may be called the Bankers' Books Evidence Act, 1891.

(*2*) It extends to the whole of British India; and

(*3*) It shall come into force at once.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "company" means a company registered under any of the enactments relating to companies from time to time in force in British India, or incorporated by an Act of Parliament or of the Governor General in Council, or by Royal Charter or Letters Patent:

(*2*) "bank" and "banker" mean—

(*a*) any company carrying on the business of bankers,

(*b*) any partnership or individual to whose books the provisions of this Act shall have been extended as hereinafter provided:

Section 2., this s

"(*c*) any

(*3*) "bankers' books" include ledgers, day-books, cash-books, account-books and all other books used in the ordinary business of a bank:

(*4*) "legal

[*Price one anna and nine pies.*]

(*4*) "legal proceeding" means any proceeding or inquiry in which evidence is or may be given, and includes an arbitration:

(*5*) "the Court" means the person or persons before whom a legal proceeding is held or taken:

(*6*) "Judge" means a Judge of a High Court:

(*7*) "trial" means any hearing before the Court at which evidence is taken: and

(*8*) "certified copy" means a copy of any entry in the books of a bank together with a certificate written at the foot of such copy that it is a true copy of such entry, that such entry is contained in one of the ordinary books of the bank and was made in the usual and ordinary course of business, and that such book is still in the custody of the bank, such certificate being dated and subscribed by the principal accountant or manager of the bank with his name and official title.

Power to extend provisions of Act.

3. The Local Government may, from time to time, by notification in the official Gazette, extend the provisions of this Act to the books of any partnership or individual carrying on the business of bankers within the territories under its administration, and keeping a set of not less than three ordinary account books, namely, a cash-book, a day-book or journal, and a ledger, and may in like manner rescind any such notification.

Mode of proof of entries in bankers' books.

4. Subject to the provisions of this Act, a certified copy of any entry in a banker's book shall in all legal proceedings be received as *primâ facie* evidence of the existence of such entry, and shall be admitted as evidence of the matters, transactions and accounts therein recorded in every case where, and to the same extent as, the original entry itself is now by law admissible, but not further or otherwise.

Case in which officer of bank not compellable to produce books.

5. No officer of a bank shall in any legal proceeding to which the bank is not a party be compellable to produce any banker's book the contents of which can be proved under this Act, or to appear as a witness

witness to prove the matters, transactions and accounts therein recorded, unless by order of the Court or a Judge made for special cause.

Inspection of books by order of Court or Judge.

6. (*1*) On the application of any party to a legal proceeding the Court or a Judge may order that such party be at liberty to inspect and take copies of any entries in a banker's book for any of the purposes of such proceeding, or may order the bank to prepare and produce, within a time to be specified in the order, certified copies of all such entries, accompanied by a further certificate that no other entries are to be found in the books of the bank relevant to the matters in issue in such proceeding, and such further certificate shall be dated and subscribed in manner hereinbefore directed in reference to certified copies.

(*2*) An order under this or the preceding section may be made either with or without summoning the bank, and shall be served on the bank three clear days (exclusive of bank holidays) before the same is to be obeyed, unless the Court or Judge shall otherwise direct.

(*3*) The bank may at any time before the time limited for obedience to any such order as aforesaid either offer to produce their books at the trial or give notice of their intention to show cause against such order, and thereupon the same shall not be enforced without further order.

Costs.

7. (*1*) The costs of any application to the Court or a Judge under or for the purposes of this Act and the costs of anything done or to be done under an order of the Court or a Judge made under or for the purposes of this Act shall be in the discretion of the Court or Judge, who may further order such costs or any part thereof to be paid to any party by the bank if they have been incurred in consequence of any fault or improper delay on the part of the bank.

(*2*) Any order made under this section for the payment of costs to or by a bank may be enforced as if the bank were a party to the proceeding.

(*3*) Any

(*3*) Any order under this section awarding costs may, on application to any Court of Civil Judicature designated in the order, be executed by such Court as if the order were a decree for money passed by itself:

Provided that nothing in this sub-section shall be construed to derogate from any power which the Court or Judge making the order may possess for the enforcement of its or his directions with respect to the payment of costs.

Government of India Central Printing Office.—No. 190 L. D.—26-10 91.—4,100 —A. dcS.

ACT No. XIX OF 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 1st October, 1891.*)

An Act to amend the Upper Burma Laws Act, 1886.

XX of 1886. WHEREAS it is expedient to amend the Upper Burma Laws Act, 1886; It is hereby enacted as follows:—

Title and commencement.

1. (*1*) This Act may be called the Upper Burma Laws Act Amendment Act, 1891; and

(*2*) It shall come into force at once.

Repeal of clause (*b*), section 7, sub-section (*1*), Act XX of 1886.

XX of 1886. 2. Clause (*b*) of section 7, sub-section (*1*), of the Upper Burma Laws Act, 1886, is hereby repealed.

[*Price one anna.*]

Government of India Central Printing Office.—No. 191 L D.—20-10-91.—3,000—A E deS.

THE PUNJAB MUNICIPAL ACT, 1891.

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[*Price one Rupee and two annas*]

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SCHEDULE.

ACT No. XX OF 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 8th October, 1891.)

An Act to make better provision for the administration of Municipalities in the Punjab.

WHEREAS it is expedient to make better provision for the administration of municipalities in the Punjab; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Title, extent and commencement.

1. (*1*) This Act may be called the Punjab Municipal Act, 1891.

(*2*) It extends only to the territories for the time being administered by the Lieutenant-Governor of the Punjab; and

(*3*) It shall come into force on such day as the Local Government may, by notification in the official Gazette, appoint in this behalf.

Repeal.

XIII of 1884.

2. (*1*) The Punjab Municipal Act, 1884, is hereby repealed:

Saving clause.

(*2*) But all municipalities constituted, committees established, limits defined, appointments, rules, regulations, bye-laws and orders made, notifications and notices issued, taxes, tolls, rates and fees imposed or assessed, contracts entered into and suits instituted under the said Act, or under the Punjab Municipal Act, 1873, or any enactment thereby repealed, shall, so far as may be, be deemed to have been respectively constituted, established, defined, made, issued, imposed or assessed, entered into and instituted under this Act.

IV of 1873.

3. In

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "municipality" means any local area declared by or under this Act to be a municipality:

(*2*) "committee" means a municipal committee established by or under this Act:

(*3*) "inhabitant" includes any person ordinarily residing or carrying on business, or owning or occupying immoveable property, in any municipality or in any local area which the Local Government has by notification under this Act proposed to declare to be a municipality:

(*4*) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway:

(*5*) "owner" includes the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant:

(*6*) "explosive" and "petroleum" have the meanings assigned to those words in the Indian Explosives Act, 1884, and the Petroleum Act, 1886, respectively: IV of 1884. XII of 1886.

(*7*) "notification" means a notification published under this Act in the official Gazette:

(*8*) "notified" means published as aforesaid:

(*9*) "rules" and "rule" mean respectively the rules made or to be made and notified by the Local Government under the authority of this Act, and any one of such rules: and

(*10*) "bye-laws" and "bye-law" mean respectively the regulations made or to be made by the committee

committee at a special meeting under the authority of this Act, and any one of such regulations.

Procedure for constituting municipality.

4. (*1*) The Local Government may, by notification, propose to declare any town or group of towns, together with or exclusive of any railway-station, village. building or land in the vicinity of any such town, or group of towns, a municipality under this Act:

Provided that no military cantonment or part of a military cantonment shall, without the consent of the Governor General in Council, be comprised in any such notification.

(*2*) Every such notification shall define the limits of the local area to which it relates.

(*3*) A copy of every notification under this section, with a translation in such vernacular language as the Local Government may direct, shall be affixed in some conspicuous place in the court-house of the Deputy Commissioner within whose jurisdiction the local area to which the notification relates lies, and in one or more conspicuous places in that local area.

(*4*) The Deputy Commissioner shall certify to the Local Government the date on which the copy and translation were so affixed, and the date so certified shall be deemed to be the date of publication of the notification

(*5*) Should any inhabitant desire to object to a notification issued under sub-section (*1*), he may, within six weeks from the date of its publication, submit his objection in writing through the Deputy Commissioner to the Local Government, and the Local Government shall take his objection into consideration.

(*6*) When six weeks from the date of the publication have expired, and the Local Government has considered and passed orders on such objections as may have been submitted to it, the Local Government may, by notification, declare the local area to be,

for

for the purposes of this Act, a municipality of the first or second class.

(*7*) A committee shall come into existence at such time as the Local Government may, by notification, appoint in this behalf.

CHAPTER II.

COMMITTEES.

Constitution of Committees.

Appointment or election of members

5. (*1*) There shall be established for each municipality a committee having authority over the municipality and consisting of such number of members not less than three as the Local Government may fix in this behalf.

(*2*) Every such committee shall consist of members appointed by the Local Government either by name or by office, or of members elected from among the inhabitants in accordance with rules made under this Act or partly of the one and partly of the other as the Local Government may by notification direct:

Provided that—

(*a*) if the Local Government has directed that the elected members shall constitute the whole or any proportion of the committee, it shall not afterwards direct that they shall constitute any smaller proportion thereof except in compliance with the request of a majority of the electors for the time being, or for some reason which the Local Government may deem to affect the public interests, and

(*b*) unless the Governor General in Council shall otherwise direct, the appointed members who are salaried officers of Government shall not exceed one-third of the whole committee.

(*3*) When, under a direction issued under sub-section (*2*), any places on a committee are required to be filled

filled by election, and a sufficient number of members has not been elected, the Local Government may fill those places by appointment.

Term of office of members.

6. (*1*) If a member of committee is appointed by office, the person for the time being holding the office shall be a member of the committee until the Local Government shall otherwise direct.

(*2*) The term of office for which all other members of committee shall be appointed and elected respectively shall be fixed by the Local Government by rules made under this Act, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(*3*) An outgoing member may, if otherwise qualified, be re-elected or re-appointed.

Special provision with respect to term of office of appointed members.

7. The Local Government may at any time, for any reason which it may deem to affect the public interests, by notification direct that a seat on any committee which is then filled by election shall thenceforth when vacant be filled by appointment, and it may also for a like reason and in the like manner direct that the seat of any elected member shall be vacated upon a date appointed in the notification;

and in such last-mentioned case the said seat shall be vacated accordingly notwithstanding anything to the contrary in this Act or in the rules thereunder.

Special provision with respect to term of office of elected members.

8. The Local Government may at any time by notification direct that a seat on any committee then filled by appointment shall thenceforth when vacant be filled by election;

and it may also direct that the seat of any appointed member shall be vacated upon a date appointed in the notification;

and in such last-mentioned case the said seat shall be vacated accordingly notwithstanding anything to the contrary in this Act or in the rules thereunder.

Special power to Local Government to

9. The Local Government may at any time fix the number of members to compose a committee below

fix term of office of certain members.

below the number of members then composing the committee, and it may also by notification direct, so far as may be necessary to reduce the number of members to the number so fixed, that the seat of any specified member or members shall be vacated upon a date appointed in the notification;

and, if such direction be given, the said seat or seats shall be vacated accordingly notwithstanding anything to the contrary in this Act or in the rules thereunder.

Resignation of member of committee.

10. (*1*) Any member of committee who may wish to resign may forward his written resignation, through the president of the committee, to the Deputy Commissioner within whose jurisdiction the municipality lies.

(*2*) When the acceptance of the resignation by the Local Government has been communicated to the committee, the member shall be deemed to have vacated his seat.

Powers of the Local Government as to removal of members.

11. (*1*) The Local Government may by notification remove any member of committee—

(*a*) if he refuses to act, or becomes, in the opinion of the Local Government, incapable of acting, or has been declared a bankrupt or an insolvent or convicted of any such offence, or subjected by a Criminal Court to any such order as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member;

(*b*) if he has been declared by notification to be disqualified for employment in, or has been dismissed from, the public service;

(*c*) if he has absented himself for more than three consecutive months from the meetings of the committee;

(*d*) if his continuance in office is, in the opinion of the Local Government, dangerous to the public peace or order; or

(*e*) in

(*e*) in the case of a salaried officer of the Government, if his continuance in office is, in the opinion of the Local Government, unnecessary or undesirable.

(*2*) A person removed under this section shall be disqualified for election unless and until the Local Government shall otherwise direct.

Filling of casual vacancies.

12. (*1*) Whenever a vacancy occurs by the death, resignation or removal of any elected member, a new member shall be elected in accordance with the rules made under this Act to fill the place :

Provided that the Local Government may direct in any such case that the vacancy shall be left unfilled.

(*2*) Upon the death, resignation or removal of any appointed member, the Local Government may, if it shall think fit, appoint a new member to fill the place.

(*3*) Every person elected or appointed to fill a casual vacancy shall hold his seat for the time for and subject to the conditions upon which it was tenable by the person in whose place he has been so elected or appointed, and no longer; but he may, if otherwise qualified, be re-elected or re-appointed.

Incorporation of committee.

13. Every committee shall be a body corporate by the name of the municipal committee of its municipality; and shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to the provisions of this Act, to transfer any property held by it, to contract and to do all other things necessary for the purposes of its constitution ; and may sue and be sued in its corporate name.

Member of committee to be municipal commissioner.

14. Every member of committee shall be deemed to be a municipal commissioner within the meaning of any enactment for the time being in force.

President

President and Vice-President.

Election or appointment of president and vice-president.

15. (*1*) Every committee shall from time to time elect one of its members to be president, and the member so elected shall, if approved by the Local Government in the case of a first class committee, or by the Commissioner in the case of a second class committee, become president of the committee :

Provided that the committee, instead of electing a president and submitting his name for approval to the Local Government or the Commissioner, may apply to the Local Government or the Commissioner, as the case may be, to appoint a president from among its members, and that the Local Government may, by notification, exclude any committee from the operation of this sub-section ; and that in either of these cases, or if no election has been made within one month from the occurrence of a vacancy in the office of president, or if the person elected be not approved, the Local Government or the Commissioner, as the case may be, may, if it or he shall think fit, appoint one of the members of the committee to be president.

(*2*) Every committee may also, from time to time, elect one or two of its members to be vice-president or vice-presidents, and when two vice-presidents are elected on the same date shall declare which of them shall be deemed to be the senior.

(*3*) Every member elected or appointed under this section to be president or vice-president may be elected or appointed by office if he was appointed a member of the committee in the same way.

(*4*) If any president is elected or appointed by office, or if any vice-president is elected by office, then the person who for the time being holds the office shall be president or vice-president of the committee, as the case may be, during the term fixed under section 16, sub-section (*1*), for retention of office by a president or vice-president.

16. (*1*) Every

16. (*1*) Every president shall hold office for such term, not exceeding three years, as the Local Government may, by rule, fix, and every vice-president shall hold office for such term as the committee may, by bye-law, fix.

Term of office of president and vice-president.

(*2*) Whenever a president or vice-president vacates his seat or tenders in writing to the committee his resignation of his office, he shall vacate his office; and any president or vice-president may be removed from office by the Local Government in pursuance of a resolution to that effect passed by two-thirds of the members present at a special meeting.

(*3*) Every resignation of office tendered under this section shall be reported, as soon as may be, to the Deputy Commissioner.

17. (*1*) Upon the occurrence of any vacancy in the office of president or vice-president a new president or vice-president shall be elected or appointed in manner provided by section 15.

Casual vacancies in office of president or vice-president.

(*2*) The person so elected or appointed to fill a casual vacancy shall hold office for the time for which it was tenable by the person in whose place he has been elected or appointed, and no longer, but he may, if otherwise qualified, be re-elected or re-appointed.

Notification of Elections and Appointments.

18. Every election and appointment of a member or president of a committee shall be notified, in the case of a municipality of the first class, by the Local Government, and, in the case of a municipality of the second class, by the Commissioner of the Division, and no such election or appointment shall take effect until it has been so notified.

Notification of elections, appointments and vacancies.

Conduct of Business.

19. (*1*) Every committee shall meet for the transaction of business at least once in every month at such time as may, from time to time, be fixed by the bye-laws.

Time fo holding meetings.

(*2*) The

(*2*) The president or, in his absence, a vice-president may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-fifth of the members of committee, convene either an ordinary or a special meeting at any other time.

Ordinary and special meetings.

20. (*1*) Every meeting of committee shall be either ordinary or special.

(*2*) Any business may be transacted at an ordinary meeting unless required by this Act or the rules to be transacted at a special meeting.

Quorum.

21. (*1*) The quorum necessary for the transaction of business at a special meeting of committee shall be one-half of the committee, but shall not be less than three.

(*2*) The quorum necessary for the transaction of business at an ordinary meeting of committee shall be such number or proportion of the members of committee as may, from time to time, be fixed by the bye-laws, but shall not be less than three:

Provided that, if at any ordinary or special meeting of committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he may think fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at, the adjourned meeting, whether there be a quorum present thereat or not.

Chairman of meeting.

22. At every meeting of committee the president, if present, or, in his absence or during the vacancy of his office, the senior vice president present, and if there be no president or vice-president present, then such one of their number as the members present may elect, shall preside as chairman.

Vote of majority decisive.

23. Except as otherwise provided by this Act or the rules, all questions which come before any meeting of committee shall be decided by a majority of the votes of the members present, the chairman of the meeting, in case of an equality of votes, having a second or casting vote.

24. (*1*) Minutes

24. (*1*) Minutes of the proceedings at each meeting of committee shall be drawn up and recorded in a book to be kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, shall be published in such manner as the Local Government may direct, and shall, at all reasonable times and without charge, be open to inspection by any inhabitant. Record and publication of proceedings.

(*2*) A copy of every resolution passed at any meeting of committee shall, within three days from the date of the meeting, be forwarded to the Deputy Commissioner.

25. (*1*) Every committee may, from time to time, make bye-laws consistent with this Act and with the rules as to— Bye-laws.

(*a*) the time and place of its meetings;

(*b*) the manner in which notice of ordinary and special meetings and adjourned meetings shall be given;

(*c*) the quorum necessary for the transaction of business at ordinary meetings;

(*d*) the conduct of proceedings at meetings and the adjournment of meetings;

(*e*) the custody of the common seal and the purposes for which it shall be used;

(*f*) the person or persons to be primarily responsible for the current executive administration and his or their powers; that is to say, what portion of the executive authority shall be exercised by the president, by a vice-president, by sub-committees, by individual members and by officers or servants of the committee;

(*g*) the persons by whom receipts shall be granted on behalf of the committee for money received under this Act;

(*h*) the appointment, duties, leave, suspension and removal of its officers and servants;

(*i*) the

(*i*) the term for which a vice-president shall hold office; and

(*j*) all other similar matters.

(*2*) No bye-law made under clause (*c*) or clause (*f*) of sub-section (*1*) shall take effect until it has been approved by the Local Government.

(*3*) Every bye-law made under this section shall be published in such manner as the Local Government may direct.

Extraordinary powers of president and vice-president in case of emergency.

26. In cases of emergency the president or, in his absence or during the vacancy of his office, a vice-president may direct the execution of any work or the doing of any act which the committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the municipal fund:

Provided that—

(*a*) he shall not act under this section in contravention of any order of the committee; and

(*b*) every direction given under this section shall be reported to the next following meeting of committee.

Joint Committees.

Joint committees.

27. A committee may concur with any other committee, or with any district board, or with any cantonment authority, or with more than one such committee, board or authority, in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested, and in delegating to any such joint committee any power which might be exercised by either or any of the committees, boards or authorities concerned, and in framing or modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating thereto.

Defects

Defects in Constitution and Irregularities.

28. No act done or proceeding taken under this Act shall be questioned on the ground merely of the existence of any vacancy in any committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

Vacancies and irregularities not to invalidate proceedings.

Officers and Servants.

29. (*1*) Every committee shall, from time to time, at a special meeting, appoint one of its members, or, if the Commissioner consent to its appointing a person not a member, any other person, to be its secretary, and may, at a like meeting, remove any person so appointed.

Appointment of secretary.

(*2*) When a member of committee is appointed secretary, he shall receive no remuneration in respect of his services. When any other person is appointed secretary, the committee may, with the previous sanction of the Commissioner, assign to him such pay as it may think fit.

30. Subject to the provisions of this Act and the rules, a committee may employ, in addition to its secretary, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to such officers and servants such pay as it may think fit, and may remove or dismiss any officer or servant so appointed.

Employment of other officers and servants.

31. A Government official who has been continuously employed by a committee from the commencement of the Punjab Municipal Act, 1884, and who is in the employment of the committee at the commencement of this Act shall not be dismissed from that employment without the sanction of the Local Government.

XIII of 1884.

Dismissal of Government officials.

32. If, in the opinion of the Commissioner, the number of persons employed by a committee as officers or servants, or whom the committee may propose to employ

Power to prevent extravagance in establishments

employ as such, or the remuneration assigned by the committee to those persons or any of them, is excessive, the committee shall, on the requirement of the Commissioner, reduce the number of those persons or the remuneration, as the case may be:

Provided that the committee may appeal against any such requirement to the Local Government, and the decision of the Local Government on any such appeal shall be final.

Pensions of Government officials serving committees.

33. In the case of an officer or servant being a Government official, a committee may—

(*1*) If his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the Civil Service Regulations for the time being in force; and

(*2*) if he devotes only a part of his time to the performance of duties in behalf of the committee, make such contribution on account of his pension or gratuity and leave-allowances as the Government may determine.

Pensions of others.

34. In the case of an officer or servant not being a Government official, a committee may—

(*1*) grant him leave-allowances and, if he is not entitled to pension or if his monthly pay is less than ten rupees, a gratuity; and

(*2*) if empowered in this behalf by the Local Government,—

(*a*) subscribe on his behalf for pension or gratuity under the Civil Service Regulations for the time being in force; or

(*b*) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which under the Civil Service Regulations for the time being in force the officer or servant would be entitled if the service had been service under the Government.

Contracts.

Contracts.

35. (*1*) The committee of any municipality of the first class may, subject to the provisions of this Act, delegate to one or more of its members the power of entering on its behalf into any particular contract whereof the value or amount does not exceed five hundred rupees, or into any class of such contracts. Authority to contract.

(*2*) No contract by or in behalf of any committee whereof the value or amount exceeds five hundred rupees shall be entered into until it has been sanctioned at a meeting of committee.

36. (*1*) Every contract made by or on behalf of the committee of any municipality of the first class whereof the value or amount exceeds one hundred rupees, and every contract made by or on behalf of the committee of any municipality of the second class whereof the value or amount exceeds fifty rupees, shall be in writing, and must be signed by two members, of whom the president or a vice-president shall be one, and countersigned by the secretary : Mode of executing contracts and transfers of property.

Provided that, when the power of entering into any contract on behalf of the committee has been delegated under the last foregoing section, the signature or signatures of the member or members to whom the power has been delegated shall be sufficient.

(*2*) Every transfer of immoveable property belonging to any committee must be made by an instrument in writing, executed by the president or vice-president, and by at least two other members of committee, whose execution thereof shall be attested by the secretary.

(*3*) No contract or transfer of the description mentioned in this section executed otherwise than in conformity with the provisions of this section shall be binding on the committee.

37. (*1*) If any member, officer or servant of a committee or of a joint committee is, without the permission in writing of the Commissioner, directly or indirectly Penalty on member, officer or servant being interested in

contract made with a committee.

indirectly interested in any contract made with that committee, he shall be deemed to have committed an offence under the Indian Penal Code, section 168. XLV of 1860.

(2) No member, officer or servant of a committee or of a joint committee shall by reason only of his being a shareholder in, or a member of, any incorporated or registered company, be held to be interested in any contract entered into between the said company and the committee or joint committee; but no such person as aforesaid shall take part in any proceedings of the committee or joint committee relating to any such contract.

Privileges and Liabilities.

Suits against committee and its officers.

38. No suit shall be instituted against a committee, or against any officer or servant of a committee in respect of any act purporting to be done in its or his official capacity, until the expiration of one month next after notice in writing has been, in the case of a committee delivered or left at its office, and in the case of an officer or servant delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such notice has been so delivered or left:

Provided that nothing in this section shall apply to any suit instituted under section 54 of the Specific Relief Act, 1877. I of 1877.

Liability of members of committees.

39. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to a committee if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee; and a suit for compensation for the same may be instituted against him by the committee with the sanction of the Commissioner, or by the Secretary of State for India in Council, in such Court as the Local Government may direct.

Acquisition

Acquisition of Land.

40. Where any land, whether within or without the limits of a municipality, is required for the purposes of this Act, the Local Government may, at the request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the committee of the compensation awarded under that Act, and of any other charges incurred in acquiring the land, the land shall vest in the committee. Acquisition of land.

X of 1870.

Delegation of Powers.

41. (*1*) The powers and functions of the Local Government under section 5, sub-section (*3*), section 10, section 12 and section 25, sub-section (*2*), may be delegated by the Local Government to the Commissioner of the Division. Delegation of certain powers and functions of Local Government.

(*2*) In regard to powers or functions delegated to him under this section, every Commissioner shall have the same authority as is given by this Act to the Local Government; and the delegation shall continue until revoked by the Local Government.

(*3*) A delegation under this section may be of all or any of the powers and functions aforesaid, and may be made generally in regard to either all the municipalities, or all the municipalities of a particular class, within the division of the Commissioner, or it may be made particularly in regard to certain municipalities only.

(*4*) The delegation may be by name or by office.

CHAPTER III.

TAXATION.

General Provisions.

42. (*1*) Subject to any general or special orders which the Governor General in Council may make in this Taxes which may be imposed.

this behalf, and to the rules, any committee may, from time to time, for the purposes of this Act, and in the manner directed by this Act, impose in the whole or any part of the municipality any of the following taxes and tolls, namely :—

(*A*) with the previous sanction of the Local Government :—

(*a*) a tax on buildings and lands—

(i) not exceeding in any municipality specified in the schedule, 10 per cent., and elsewhere 7½ per cent., on the annual value ; or

(ii) not exceeding in any municipality specified in the schedule, one anna four pies, and elsewhere one anna, per square yard of the ground area ; or

(iii) not exceeding in any municipality specified in the schedule, four rupees, and elsewhere three rupees, per running foot of frontage in streets or bazars ;

(*b*) a tax on persons practising any profession or art or carrying on any trade or calling in the municipality ;

(*c*) a tax on all or any vehicles, boats, animals used for riding, driving, draught or burden, and dogs, when the vehicles, boats, animals used as aforesaid, and dogs, are kept within the municipality ;

(*d*) a toll on vehicles and animals used as aforesaid entering the municipality and not liable to taxation under the preceding clause ;

(*e*) a tax on menial and domestic servants ;

(*f*) an octroi on animals or goods or both brought within the octroi-limits for consumption or use therein ; and

(*B*) with the previous sanction of the Local Government

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Government and of the Governor General in Council, any other tax :

Provided that any person may compound for exemption from all tolls leviable in respect of any animal or vehicle under clause (*d*) of this sub-section by paying the tax which would have been leviable in respect thereof under clause (*c*) if the same had been kept within the municipality.

(*2*) In this section "annual value" means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, and, in the case of houses, may be expected to let unfurnished:

Provided that, in the case of land assessed to land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, the annual value shall, if the Local Government so direct, be deemed to be double the aggregate of the following amounts, namely :—

(*a*) the amount of the land-revenue for the time being assessed on the land, whether such assessment is leviable or not; or, when the land-revenue has been wholly or in part compounded for or redeemed, the amount which, but for such composition or redemption, would have been leviable; and

(*b*) when the improvement of the land due to canal-irrigation has been excluded from account in assessing the land-revenue, the amount of the owner's rate or water-advantage rate or other rate imposed in respect of such improvement.

43. When a committee has, in exercise of the powers conferred by this Act, undertaken the house-scavenging of any house or building, it may charge the occupier of such house or building, in respect of the house-scavenging done for him, with a tax, imposed in manner directed by this Act, at such rate as it may think fit. House-scavenging-tax.

44 (*1*) Besides

Water-tax.

44. (*1*) Besides the taxes mentioned in the foregoing sections, a committee, with the previous sanction of the Local Government, may, for the purpose of constructing or maintaining works for the supply of water to the municipality or paying the principal or interest of any loan raised for the construction of such works, impose, in manner directed by this Act, a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

(*2*) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and to their level; but in fixing it regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from payments for water supplied from the works under special contracts, should not exceed the amount required for the said purposes.

Procedure in imposing taxes.

45. (*1*) A committee may, at a special meeting, pass a resolution to propose the imposition of any tax under section 42, section 43 or section 44.

(*2*) When such a resolution has been passed the committee shall publish a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(*3*) Any inhabitant objecting to the proposed tax may, within thirty days from the publication of the said notice, submit his objection in writing to the committee; and the committee shall, at a special meeting, take his objection into consideration.

(*4*) If no such objection is received within the said period of thirty days, or if all such objections, having been considered as aforesaid, are deemed insufficient, the committee may forward its proposal to the Local Government, with the objections (if any) which have been submitted as aforesaid, and its decision thereupon.

(*5*) The

(*5*) The Local Government, on receiving such proposal, may sanction or refuse to sanction the same, or return it to the committee for further consideration.

(*6*) When any such proposal which requires the further sanction of the Governor General in Council has been sanctioned by the Local Government, it shall submit the same to the Governor General in Council, with the objections (if any) received through the committee; and the Governor General in Council may sanction the proposal, or refuse to sanction it, or return it to the Local Government for further consideration.

(*7*) When any proposal of a committee has been sanctioned by the Local Government, or by the Local Government and the Governor General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with such proposal.

(*8*) In giving such direction the committee shall fix a date on which the tax shall come into force:

Provided that—

(*a*) no tax shall come into force until its imposition has been notified:

(*b*) no tax shall come into force in less than three months from the date of the meeting at which its imposition is directed:

(*c*) a tax leviable by the year shall come into force on the first day of January or on the first day of April or on the first day of July or on the first day of October in any year; and, if it comes into force on any day other than the first day of January, shall be leviable by the quarter till the first day of January then next ensuing.

(*9*) A notification of the imposition of a tax under this Act shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act.

Power to abolish or reduce tax.

46. A committee may, by a resolution passed at a special meeting and confirmed by the Local Government, abolish or reduce in amount any tax imposed under the foregoing sections.

Power to exempt from taxation.

47. (*1*) A committee may exempt, in whole or in part, for any period not exceeding one year, from the payment of any such tax any person who by reason of poverty may in its opinion be unable to pay the same, and may renew such exemption as often as may be necessary.

(*2*) A committee may, by resolution passed at a special meeting and confirmed by the Local Government, and the Local Government may by order, exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

Power for Local Government to suspend levy of tax.

48. (*1*) If at any time it appears to the Local Government, on complaint made or otherwise, that any tax imposed under the foregoing sections is unfair in its incidence or that the levy thereof or of any part thereof is injurious to the interests of the general public, it may require the committee to take within a specified period measures to remove the objection; and, if within that period the requirement is not complied with to the satisfaction of the Local Government, the Local Government may by notification suspend the levy of the tax or of such part thereof until the objection has been removed.

(*2*) The Local Government may at any time by notification rescind any such suspension.

Taxes not invalid for defect of form.

49. No assessment and no charge or demand of any tax made under the authority of this Act shall be impeached or affected by reason of any mistake in the name, residence, place of business or occupation of any person liable to pay the tax, or in the description of any property or thing liable to the tax, or of any mistake in the amount of assessment or tax, or by reason of any clerical error or other defect of form; and it shall be enough in any such tax on property, or

or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

50. Any tax imposed under the foregoing sections and payable periodically shall be payable on such dates and in such instalments (if any) as the committee, with the previous sanction of the Deputy Commissioner, may from time to time direct. Taxes when payable.

51. For all sums paid on account of any tax under this Act a receipt, stating the amount and the tax on account of which it has been paid, shall be given by the person receiving the same, on request by the person making the payment. Receipts to be given.

52. (*1*) An appeal against the assessment or levy of any tax under this Act shall lie to the Deputy Commissioner or to such other officer as may be empowered by the Local Gevernment in this behalf: Appeals against taxation.

Provided that, when the Deputy Commissioner or such other officer as aforesaid is a member of the committee, the appeal shall lie to the Commissioner of the Division.

(*2*) If, on the hearing of an appeal under this section, any question as to the liability to, or the principle of assessment of, a tax arises, on which the officer hearing the appeal entertains reasonable doubt, he may, either of his own motion or on the application of any person interested, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement with his own opinion on the point for the decision of the Chief Court.

(*3*) On a reference being made under sub-section (*2*), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in Chapter XLVI of the Code of Civil Procedure. XIV of 1882.

(*4*) In every appeal the costs shall be in the discretion of the officer deciding the appeal.

(*5*) Costs

(*5*) Costs awarded under this section to the committee shall be recoverable by the committee as though they were arrears of a tax due from the appellant.

(*6*) If the committee fail to pay any costs awarded to an appellant within ten days after the date of the order for payment thereof, the officer awarding the costs may order the person having the custody of the balance of the municipal fund to pay the amount.

Limitation of appeal.

53. (*1*) No appeal shall lie in respect of a tax on any land or building, unless it is preferred within one month after the publication of the notice prescribed by section 59 (*2*) or section 61 or after the date of any final order under section 60, as the case may be, and no appeal shall lie in respect of any other tax unless it is preferred within one month from the time when the demand for the tax is made:

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the officer before whom the appeal is preferred that he had sufficient cause for not presenting the appeal within that period.

(*2*) No appeal shall be entertained unless the appellant has paid all municipal taxes due from him to the committee up to the date of such appeal.

Taxation not to be questioned except under this Act.

54. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than is provided in this Act.

Duty of furnishing true information regarding liability to municipal taxation.

55. (*1*) The committee may, by written communication, call upon any inhabitant of the municipality to furnish such information as may be necessary in order to ascertain whether such inhabitant is liable to pay any municipal tax.

(*2*) If any inhabitant so called upon to furnish information omits to furnish it or furnishes information which is untrue, he shall be punishable with fine which may extend to one hundred rupees.

Taxes

Taxes on Immoveable Property.

Preparation of assessment-list.

56. (*1*) The committee shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared, containing—

(*a*) the name of the street or division in which the property is situated;

(*b*) the designation of the property, either by name or by number, sufficient for identification;

(*c*) the names of the owner and occupier, if known;

(*d*) the annual value, area or length of frontage on which the property is assessed; and

(*e*) the amount of the tax assessed thereon by the committee.

(*2*) For the purpose of preparing the list, the committee may require the owners or occupiers of the buildings or lands to furnish it with the returns of the measurements and of the rent or annual value.

Publication of notice of assessments.

57. When the assessment-list has been completed, the committee shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, and any agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public notice of time fixed for revising assessment-list.

58. (*1*) The committee shall at the time of the publication of such assessment-list give public notice of a time, not less than one month thereafter, when it will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

(*2*) All objections to the valuation and assessment shall be made in writing before the time fixed in the notice, or orally or in writing at that time.

59. (*1*) After

Settlement of list.

59. (*1*) After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard either in person or by authorized agent, as they may think fit, and the revision of the valuation and assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the year commencing on the first day of January next ensuing as also in the case of a tax then imposed for the first time for the period between the commencement of the tax and such first day of January.

(*2*) The list when amended under this section shall be deposited in the committee's office and shall there be open during office-hours to all owners or occupiers of property comprised therein, or the agents of such persons, and a public notice that it is so open shall forthwith be published.

Further amendments of assessment-list.

60. (*1*) The committee may at any time amend the list by inserting the name of any person whose name ought to have been inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, after giving notice, to any person interested in the amendment, of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

(*2*) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity

opportunity of being heard in support of the same in person or by authorized agent, as he may think fit.

New list need not be prepared every year.

61. It shall be in the discretion of the committee to prepare a new assessment-list every year, or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same notice of the valuation and assessment as if a new assessment-list had been prepared.

Remission of tax on unoccupied immoveable property.

62. (*1*) When any property assessed to a tax under section 42, sub-section (*1*), division A, clause (*a*), or under section 44 which is payable by the year or by instalments, has remained unoccupied and unproductive of rent throughout the year or the period in respect of which any instalment is payable, the committee shall remit the amount of the tax or of the instalment, as the case may be:

Provided that no such remission shall be granted unless notice in writing of the circumstances under which it is claimed has been given to the committee within the first month of the period in respect of which it is so claimed.

(*2*) When any such property as aforesaid—

(*a*) has not been occupied or productive of rent for any period of not less than sixty consecutive days, or

(*b*) consists of separate tenements one or more of which has or have not been occupied or productive of rent for any such period as aforesaid, or

(*c*) is wholly or in greater part demolished or destroyed by fire or otherwise,

the committee may remit such portion (if any) of the tax or instalment as it may think equitable.

(*3*) The burden of proving the facts entitling any person to claim relief under this section shall lie upon him.

(*4*) For

(*4*) For the purposes of this section neither the presence of a care-taker nor the mere retention in an otherwise unoccupied dwelling-house of the furniture habitually used in it shall constitute occupation of the house.

(*5*) For the purposes of this section a house shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

Taxes on immoveable property by whom payable

63. (*1*) A tax payable under section 42, sub-section (*1*), division (A), clause (*a*), shall be paid by the owner of the property in respect of which it is payable.

(*2*) A tax payable under section 44 shall be paid by the occupier of the property in respect of which it is payable.

Recovery of taxes payable by owner.

64. (*1*) When any sum is due on account of a tax payable under this Act in respect of any property by the owner thereof, the committee shall cause a bill for the amount, stating the property and the period for which the charge is made, to be delivered to the person liable to pay the same.

(*2*) If the bill be not paid within ten days from the delivery thereof, the committee may cause a notice of demand to be served on that person; and, if he do not, within seven days from the service of the notice, pay the sum due, with any fee leviable for the notice, or show sufficient cause for non-payment, the sum due, with the fee, shall be deemed to be an arrear of tax.

(*3*) The amount of every such arrear, besides being recoverable in any other manner provided by this Act, shall, subject to any claim on behalf of Her Majesty, be a first charge on the property in respect of which it is payable, and shall be recoverable, on application made in this behalf by the committee to the Collector, as if the property were an estate assessed to land-revenue and the arrear were an arrear of such revenue due thereon :

Provided

Provided that nothing in this sub-section shall authorize the arrest of a defaulter.

Octroi and Tolls.

65. Every person bringing or receiving within the octroi-limits of any municipality any article on which octroi is payable shall, when required by an officer authorized by the committee in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable,— Power to examine article liable to octroi.

(*a*) permit that officer to inspect, examine, weigh and otherwise deal with the article; and

(*b*) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article.

66. If any person, bringing or receiving a conveyance or package within the octroi-limits of a municipality in which octroi is leviable, shall refuse, on the demand of an officer authorized by the committee in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before any Magistrate or member of committee, who shall cause the inspection to be made in his presence. Power to search where octroi is leviable.

67. Every officer demanding octroi by the authority of the committee shall tender to every person introducing or receiving any article on which the tax is claimed a bill specifying the article taxable, the amount claimed and the rate at which the tax is calculated. Presentation of bill for octroi.

68. (*1*) In case of non-payment of any octroi or of any toll on demand, the officer empowered to collect the same may seize any article on which the octroi is chargeable, or any vehicle or animal on which the Recovery of octroi and tolls.

toll

toll is chargeable, or any part of its burden of sufficient value to satisfy the demand.

(*2*) The committee may cause any property so seized, or so much thereof as may be necessary, to be sold by auction to satisfy the demand, with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid, after the lapse of five days from the seizure, and after the issue of a proclamation fixing the time and place of sale :

Provided that, by order of the president or a vice-president, articles of a perishable nature which could not be kept for five days without serious risk of damage may be sold after the lapse of such shorter time as he may, having regard to the nature of the articles, think proper.

Power to lease the collection of octroi or tolls.

69. The collection of any octroi or toll may be leased by the committee, with the previous sanction of the Commissioner, for any period not exceeding one year ; and the lessee and all persons employed by him in the management and collection of the octroi or toll shall in respect thereof—

(*a*) be bound by any orders made by the committee for their guidance ;

(*b*) have such powers exerciseable by officers of a committee under this Act as the committee may, from time to time, confer upon them ; and

(*c*) be entitled to the same remedies and be subject to the same responsibilities as if they were employed by the committee for the management and collection of the octroi or toll.

Penalty for evasion of payment of octroi

70. If goods passing the octroi-boundary of a municipality are liable to the payment of octroi, then every person who, with the intention to defraud the committee or its lessee for the collection of octroi, causes or abets the introduction of, or himself introduces or attempts to introduce, within the said octroi-boundary

boundary any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall be punishable with fine which may extend either to ten times the value of such octroi or to fifty rupees, whichever may be greater.

CHAPTER IV.

MUNICIPAL FUND AND PROPERTY.

Constitution of municipal fund.

71. There shall be formed for each municipality a municipal fund, and there shall be placed to the credit thereof—

(*a*) all sums received by, or on behalf of, the committee under this Act or otherwise;

(*b*) all fines realized in cases in which prosecutions for offences committed within the municipality are instituted under this Act or the rules or under section 34 of Act V of 1861 or under the Prevention of Cruelty to Animals Act, 1890; and

XI of 1890.

(*c*) the balance (if any) standing at the credit of the municipal fund of the municipality at the commencement of this Act.

Application of fund.

72. (*1*) The committee shall set apart and apply out of the municipal fund,—

(*a*) *first*, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;

(*b*) *secondly*, such sum as may be required to meet the charges of its own establishment, including such subscriptions and contributions as are referred to in sections 33 and 34, and such sum as may be required for the maintenance of a police-establishment under Chapter V;

(*c*) *thirdly*,

(*c*) *thirdly*, such sum as may be required to pay the expenses of pauper lunatics sent to public asylums from the municipality and as ought, in the opinion of the Local Government, to be paid by the committee, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of any public expenditure by the Government of India or the Local Government as may be held by the Local Government to be equitably payable by the committee in return for services rendered to it.

(*2*) Subject to the charges specified in sub-section (*1*) and to such rules as the Local Government may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the municipality, and with the sanction of the Commissioner outside the municipality, namely :—

(*a*) the construction, maintenance, improvement, cleansing and repair of public streets, bridges, embankments, drains, latrines, tanks and water-courses ;

(*b*) the watering and lighting of such streets or any of them ;

(*c*) the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education or for the benefit of the public health, and of rest-houses, sarais, poor-houses, markets, encamping-grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions ;

(*d*) grants-in-aid to schools, hospitals, dispensaries, poor-houses,

poor-houses, leper-asylums and other educational or charitable institutions ;

(*e*) the training of teachers and the establishment of scholarships ;

(*f*) the giving of relief and the establishment and maintenance of relief-works in time of famine or scarcity ;

(*g*) the supply, storage and preservation from pollution of water for the use of men or animals ;

(*h*) the planting and preservation of trees ;

(*i*) the taking of a census, the registration of births, marriages and deaths, public vaccination and any sanitary measure ;

(*j*) the holding of fairs and industrial exhibitions ; and

(*k*) all acts and things which are likely to promote the safety, health, welfare or convenience of the inhabitants, or expenditure whereon may be declared by the committee, with the sanction of the Local Government, to be an appropriate charge on the municipal fund.

Payment of salary to president out of fund.

73. With the sanction of the Local Government a salary of such amount as the Local Government may fix may be paid to the president of a committee, not being a salaried officer of Government, out of the municipal fund.

Custody of municipal fund.

74. (*1*) In places where there is a Government treasury or sub-treasury or a bank to which the Government treasury business has been made over, the municipal fund shall be kept in such treasury, sub-treasury or bank.

(*2*) In places where there is no such treasury, sub-treasury or bank, the municipal fund may be deposited with any banker, or person acting as a banker, who has given such security for the safe custody

custody and repayment on demand of the fund so deposited as the Commissioner may in each case think sufficient.

Investment of same.

75. (*1*) A committee may, from time to time, with the previous sanction of the Commissioner, invest any portion of its municipal fund in securities of the Government of India or such other securities as the Governor General in Council may approve in this behalf, and vary such investments for others of a like nature.

(*2*) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the municipal fund.

Property vested in committee.

76. Subject to any special reservation which may be made by the Local Government, all property of the nature hereinafter in this section specified and situated within the municipality shall be vested in and belong to the committee, and shall, with all other property which may become vested in the committee, be under its direction, management and control, and shall be held and applied by it for the purposes of this Act, that is to say : —

(*a*) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depôts and public buildings of every description which have been constructed or are maintained out of the municipal fund ;

(*b*) all public streams, springs and works for the supply, storage and distribution of water for public purposes, and all bridges, buildings, engines, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well ;

(*c*) all public sewers and drains, and all sewers, drains, culverts and water-courses in, alongside

alongside or under any street, and all works, materials and things appertaining thereto;

(*d*) all dust, dirt, dung, ashes, refuse, animal-matter or filth or rubbish of any kind, or dead bodies of animals, collected by the committee from the streets, houses, privies, sewers, cesspools or elsewhere or deposited in places fixed by the committee under section 97;

(*e*) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;

(*f*) all land or other property transferred to the committee by the Government or by gift, purchase or otherwise for local public purposes;

(*g*) all streets, and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

Management of public institutions.

77. (*1*) The management, control and administration of every public institution maintained out of the municipal fund shall vest in the committee:

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the Local Government.

(*2*) When any public institution has been placed under the direction, management and control of the committee, all property, endowments and funds belonging thereto shall be held by the committee in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed.

Transfer to Crown of property vesting in committee.

78. The committee may, with the sanction of the Local Government, transfer to Her Majesty any property vesting in the committee under section 76 or section 77, but not so as to affect any trusts or public rights subject to which the property is held.

CHAPTER V.

CHAPTER V.

MUNICIPAL POLICE.

Police-establishment.

79. (*1*) Every committee shall, unless relieved of this obligation by the Local Government, maintain a sufficient police-establishment for police requirements within municipal limits and for the performance of the duties imposed on it by this Act.

(*2*) The establishment maintained under sub-section (*1*) shall consist either of a body of watchmen or of part of the general police-force under the Local Government within the meaning of section 2 of Act V of 1861, or partly of one and partly of the other, as the Local Government may determine; and shall consist of such number of officers and men, who shall respectively receive such pay, leave-allowances, gratuities and pensions as the committee may from time to time, after consultation with the District Magistrate and the Inspector General of Police, and subject to the final decision of the Local Government, direct.

Relief of committee from police-charges.

80. (*1*) The Local Government may relieve any committee of the whole or part of the cost of the police-establishment, and may enter into a contract with the committee, on such terms as may be agreed on, that, in consideration of such relief, the committee shall pay periodically a sum not exceeding the amount thereof, or undertake any services within the municipality to which the municipal fund can properly be applied, and which are estimated to cost not more than the amount of the relief.

(*2*) When a committee has been relieved under this section of the whole or part of the cost of the police-establishment which it is required to maintain, the Local Government shall maintain such police-establishment as it shall consider necessary, and the establishment so maintained may consist either of a body of watchmen or of a part of the general police-force under the Local Government within the meaning

meaning of section 2 of Act V of 1861, or partly of one and partly of the other.

Appointment, liabilities and duties of municipal watchmen.

81. (*1*) If the establishment maintained under this Chapter consist wholly or in part of watchmen, they—

(*a*) shall be under the orders of the District Superintendent of Police, subject to the general control of the District Magistrate;

(*b*) shall be appointed and promoted, and shall be liable to dismissal, suspension, reduction or fine, under such rules as the Local Government may make in this behalf;

(*c*) shall perform such duties as the Local Government may, subject to the provisions of this Act, direct; and

(*d*) shall possess the same powers, be entitled to the same assistance, enjoy the same protection, be subject to the same responsibilities and be liable to the same penalties as if they were police-officers enrolled under Act V of 1861.

(*2*) Any person obstructing any such watchman in the discharge of his duties may be arrested without warrant by a police-officer or by any such watchman.

Duties of municipal police enrolled under Act V of 1861.

82. If the establishment maintained under this Chapter or any portion thereof consist of part of the general police-force, the Local Government may, notwithstanding anything contained in Act V of 1861 or in any other Act for the time being in force, define, subject to the provisions of this Act, the duties which the officers and men of the establishment or such portion thereof may or may not be required to perform.

Powers and duties of police in respect of offences against Act

83. (*1*) Every member of a police-establishment under this Act shall give immediate information to the committee of any offence committed against this Act or the rules or bye-laws, and shall be bound to assist

and rules, and assistance to municipal authorities.

assist all members, officers and servants of the committee in the exercise of their lawful authority.

(*2*) Every member of such police-establishment may arrest any person committing in his view any offence against this Act or the rules or bye-laws—

(*a*) if the name and address of the person are unknown to him, and

(*b*) if the person declines to give his name and address, or if there is reason to doubt the accuracy of the name and address if given.

(*3*) A person arrested under this section may be detained until his name and address have been correctly ascertained :

Provided that no person so arrested shall be detained longer than may be necessary for bringing him before a Magistrate except under the order of a Magistrate for his detention.

Police-protection at fairs, &c.

84. When special police-protection is, in the opinion of the Local Government, requisite on the occasion of any fair, agricultural show or industrial exhibition managed by a committee, the Local Government may provide such protection, and the committee shall pay the whole charge thereof or such portion of such charge as the Local Government may consider equitably payable by it.

CHAPTER VI.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

Power to acquire land for building-sites adjoining new streets.

85. When any land is required for a new street or for the improvement of an existing street, the committee may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on both sides of the street.

86. The

86. The committee may close temporarily any street vested in it or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or close permanently any such street, and sell the land or such part thereof as may not be required for the purposes of this Act.

Power to close streets.

87. The committee may grant permission in writing for the temporary occupation of any street or land vested in it for the purpose of depositing any building-materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission.

Power to permit temporary occupation of streets, &c.

88. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

Power to attach brackets for lamps.

89. (*1*) The committee may cause a name to be given to any street, and to be affixed on any building in such place as it may think fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.

Names of streets and numbers of buildings.

(*2*) Whoever shall destroy, pull down or deface any such name or number, or put up any different name or number from that put up by order of the committee, shall be punishable with fine which may extend to twenty rupees.

90. The committee may direct that within certain limits, to be fixed by it, the roofs and external walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or other highly inflammable materials without the permission of the committee in writing; and the committee may, by written notice, require

Roofs and external walls not to be made of inflammable materials.

require any person who has disobeyed any such direction to remove or alter the roofs or walls so made or renewed as it may think fit.

Power to regulate line of buildings.

91. (*1*) Should any building or part of a building project beyond the regular line of a street, either existing or determined on for the future, or beyond the front of the building on either side thereof, the committee may, whenever such building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice require such building or part, when being re-built, to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back or removal shall become part of the street and shall vest in the committee:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

(*2*) The committee may, on such terms as it may think fit, allow any building to be set forward for the improvement of the line of the street.

Notice of new buildings

92. (*1*) Every person who intends to erect or re-erect any building shall, if required to do so by any bye-law, give notice in writing in the manner hereinafter prescribed of his intention to the committee, and the committee may within six weeks after the receipt of such notice either refuse to sanction the said building, or may sanction the said building either absolutely or subject to any written directions which the committee may deem fit to issue in respect of all or any of the matters following, namely :—

(*a*) free passage or way in front of the building;

(*b*) space to be left about the building to secure free circulation of air and facilitate scavenging and for the prevention of fire;

(*c*) ventilation,

(*c*) ventilation, and the provision and position of drains, privies or cesspools;

(*d*) level and width of foundation, level of lowest floor and stability of structure; and

(*e*) the line of frontage with neighbouring buildings, if the building abuts on a street;

and the person erecting or re-erecting any such building as aforesaid shall obey all such written directions:

Provided that the committee shall make full compensation to the owner for any damage which he may sustain in consequence of the prohibition of the re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(*2*) Any person giving notice to the committee under sub-section (*1*) shall, if required to do so by any bye-law, along with his notice forward a plan and specification of the building which he intends to erect or re-erect together with a site-plan of the land of such character and with such details as the bye-law may require. No notice under sub-section (*1*) shall be valid until such plans and specification have been supplied.

(*3*) In any case to which sub-section (*2*) does not apply, the committee may within fifteen days from the receipt of any notice under sub-section (*1*) require a person who has given such notice to submit within one week of the receipt of the requisition a sufficient plan and specification of the building which he intends to erect or re-erect, together with a site-plan of the land, with such reasonable details as the committee may prescribe in its requisition; and in such case the notice shall not be valid until such plans and specification have been supplied.

(*4*) Should any such building be begun or erected without giving notice, or without submitting such plans and specification as aforesaid or in contravention of

of any legal order of the committee issued within six weeks of receipt of a valid notice under sub-section (*1*), the committee may, by notice to be delivered within a reasonable time, require the building to be altered or demolished, as it may deem necessary.

(*5*) Should the committee neglect or omit for six weeks after the receipt of a valid notice under sub-section (*1*) to make and deliver to the person who has given such notice any order in respect thereof, it shall be deemed to have sanctioned the proposed building absolutely.

(*6*) Every sanction for the erection or re-erection of any building which shall be given or deemed to have been given by a committee shall be available for one year from the date on which the notice shall have become valid and complete, and no longer, and, should the building so sanctioned not have been begun by the person who has obtained such sanction or some one lawfully claiming under him within such year, it shall not be begun without fresh sanction; but such person as aforesaid may at any subsequent time give fresh notice to the committee in the manner hereinbefore prescribed, and thereupon the provisions hereinbefore contained shall apply to such notice.

Power of committee to make bye-laws as to mode of construction of buildings.

93. (*1*) The committee may by bye-laws regulate in respect of the erection or re-erection of any building within the municipality—

(*a*) the materials and method of construction to be used for external and party walls, roofs, floors, fire-places and chimneys;

(*b*) the position of fire-places, chimneys, drains, privies and cesspools;

(*c*) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on;

(*d*) the

(*d*) the number and height of the storeys of which the building may consist; and

(*e*) the means to be provided for egress from the building in case of fire:

Provided that the committee may by resolution dispense with the observance of any or all of the bye-laws made under this section in regard to the erection or re-erection of any building specified in the resolution.

(*2*) If in and during the erection or re-erection of any building any bye-law under this section is contravened, the committee may by notice, to be delivered within a reasonable time, require the building to be altered or demolished within the space of thirty days as it may deem necessary:

Provided that no such notice shall issue in respect of the contravention of any bye-law of which the observance has been dispensed with under the proviso to sub-section (*1*).

(*3*) This section shall not take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.

Definition of expression "erect or re-erect any building."

94. The expression "erect or re-erect any building" includes—

(*a*) any material alteration or enlargement of any building,

(*b*) the conversion into a place for human habitation of any building not originally constructed for human habitation,

(*c*) the conversion into more than one place for human habitation of a building originally constructed as one such place,

(*d*) the conversion of two or more places of human habitation into a greater number of such places,

(*e*) such

(*e*) such alterations of the internal arrangements of a building as effect an alteration of its drainage or sanitary arrangements, or affect its security, and

(*f*) the addition of any rooms, buildings, outhouses or other structures to any building.

Removal of projections and obstructions.

95. (*1*) It shall not be lawful, without the written permission of the committee, for the owner or occupier of any building to add to, or place against or in front of, the building any projection or structure overhanging, projecting into or encroaching on any street or into or on any drain, sewer or aqueduct therein.

(*2*) The committee may, by notice, require the owner or occupier of any building to remove or alter any such projection or encroachment as aforesaid:

Provided that, in the case of any projection or encroachment lawfully in existence at the commencement of this Act, the committee shall make reasonable compensation for any damage caused by the removal or alteration.

(*3*) The committee may by resolution give permission to the owners or occupiers of buildings in any particular street to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street, to be specified in the resolution.

Bathing and Washing Places.

Bathing and washing places.

96. The committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or washing animals or clothes, in any public place not so set apart, or at times or by persons

persons other than those specified, and any other act by which water in public places may be rendered foul or unfit for use.

Deposit of Offensive Matter and Slaughter-places.

Removal and deposit of offensive matter.

97. The committee may fix places within or, with the approval of the District Magistrate, beyond the limits of the municipality for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

Places for slaughter of animals for sale.

98. (*1*) The committee may, with the approval of the District Magistrate, fix premises either within or without the limits of the municipality for the slaughter of animals for sale, or of any specified description of such animals, and may with the like approval grant and withdraw licenses for the use of such premises, or, if they belong to the committee, charge rent or fees for the use of the same.

(*2*) When such premises have been fixed by the committee beyond municipal limits, it shall have the same power to make rules for the inspection and proper regulation of the same as if they were within those limits.

(*3*) When any such premises have been fixed, no person shall slaughter any such animal for sale within the municipality at any other place.

(*4*) Should any one slaughter for sale any such animal at any other place within the municipality, he shall be punishable with fine which may extend to twenty rupees.

Places for slaughter of animals not for sale.

99. (*1*) The committee may by bye-law fix premises within the municipality in which the slaughter of animals of any particular kind not for sale shall be

be permitted, and prohibit, except in case of necessity, such slaughter elsewhere within the municipality:

Provided that no such bye-law shall apply to animals slaughtered for any religious purpose;

(*2*) This section shall not take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.

Special provision with respect to disposal of dead bodies of animals.

100. (*1*) Whenever any animal in the charge of any person dies otherwise than by slaughter either for sale or for some religious purpose, the person in charge thereof shall within twenty-four hours either—

(*a*) convey the carcase to a place (if any) fixed by the committee under section 97 for the disposal of the dead bodies of animals, or

(*b*) give notice of the death to the committee, whereupon the committee shall cause the carcase to be disposed of.

(*2*) Every person bound to act in accordance with sub-section (*1*) shall, if he fail so to act, be punishable with fine which may extend to ten rupees.

(*3*) In respect of the disposal of the dead body of an animal under clause (*b*) of sub-section (*1*) the committee may charge such fee as the committee, with the sanction of the Commissioner, may, by bye-law, have prescribed.

(*4*) For the purposes of this section the word "animal" shall be deemed to mean all horned cattle, elephants, camels, horses, ponies, asses, mules, deer, sheep, goats, swine, and other large animals.

Burial and Burning Places.

Powers in respect of burial and burning places.

101. (*1*) The committee may, by public notice, order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the

the neighbourhood to be closed, from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(*2*) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf:

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owners thereof.

(*3*) No burial or burning-ground, whether public or private, shall be made or formed, after the commencement of this Act, without the permission in writing of the committee.

(*4*) Should any person bury or burn, or cause or permit to be buried or burnt, any corpse in any burial or burning-ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punishable with fine which may extend to fifty rupees.

Removal of corpses.

102. The committee may, by public notice, prescribe routes for the removal of corpses to burial or burning places.

Inflammable Materials.

Inflammable materials.

103. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting wood, dry grass, straw or other inflammable materials, or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice.

Prohibitions for prevention of fire.

104. In any municipality to which section 93 has been specially extended by the Local Government, the committee may by bye-law prohibit the lighting of fires

fires in the top storey of any building which by reason of its contiguity to other buildings might be a source of danger to the latter in the event of a fire breaking out within it and the walls of which storey do not exceed seven feet in height, or the placing of stands for lamps and candles in any position which the committee may deem to be dangerous to the public safety.

Prohibition of excessive storage of petroleum.

105. The committee may by bye-law prohibit the storage of more than a fixed maximum quantity of any explosive, petroleum, spirit, naphtha or other inflammable material in any building not registered or licensed under section 135.

Powers of Entry and Inspection.

Inspection of drains, privies and cesspools.

106. (*1*) The committee, by any person authorized by it in this behalf, may, between sunrise and sunset, enter into any building or upon any land, and inspect any drains, privies or cesspools therein or thereon, and may cause the ground to be opened where such person as aforesaid may think fit for the purpose of preventing or removing any nuisance arising from the drains, privies or cesspools.

(*2*) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but if it be found that no nuisance exists, or but for such opening would have arisen, the ground or portion of any building, drain or other work, if any, opened, injured or removed for the purpose of such inspection shall be filled in, reinstated and made good by the committee.

(*3*) No building other than a latrine shall be entered under this section until six hours' notice in writing has been given to the occupier of the building by the committee or by the person authorized by the committee to make the entry.

107. (*1*) The

107. (*1*) The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there be no occupier, to the owner, of any building, at any time between sunrise and sunset enter and inspect the building, and may by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

Power to entern and inspect buildings.

(*2*) If the building to be inspected is a stable for horses or a house or shed for cows or other cattle, previous notice shall not be requisite before inspection.

108. The committee, by any person authorized by it in this behalf, after giving twenty-four hours' notice to the occupier, or, if there be no occupier, to the owner, of any building or land, may at any time between sunrise and sunset—

Other powers of entry on buildings or land.

(*a*) enter on and survey and take levels of any land;

(*b*) enter, inspect and measure any building for the purpose of valuation;

(*c*) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains or of executing or repairing any work which it is by this Act empowered to execute or maintain.

109. The committee, by any person authorized by it in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Act for which a license has not been duly taken out.

Power to enter for discovery of vehicles or animals liable to taxation.

110. The committee, by any person authorized by it in this behalf, may at all reasonable times enter into

Power to inspect places for sale of food

or drink, &c., and to seize unwholesome articles exposed for sale.

into and inspect any market, building, shop, stall or place used for the sale of food or drink for man, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, animal or drug which may be therein; and, if any article of food or drink or any animal therein appears to be intended for the consumption of man and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption;

and, in case it is reasonably suspected that any drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause the owner thereof to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for orders as to the disposal of the said drug.

House-scavenging.

Definition of house-scavenging.

111. The removal of filth, rubbish, ordure or other offensive matter from a privy, cesspool or other common receptacle for such matter in or pertaining to a house or building is called house-scavenging.

Undertaking by committee of house-scavenging generally.

112. (*1*) Subject to the provisions hereinafter contained with respect to the customary rights of sweepers, the committee may at any time undertake the house-scavenging of any house or building on the application or with the consent of the occupier.

(*2*) The committee may, by public notice, undertake the house-scavenging of any houses or buildings in the municipality from any date not less than two months after issue of the notice.

(*3*) The occupier of any house or building affected by the notice may at any time after the issue thereof apply to the committee to exclude that house or building from the notice.

(*4*) The

(*4*) The committee shall consider and pass orders upon every such application within six weeks of the receipt thereof, and may by any such order exclude such house or building from the notice.

(*5*) In deciding whether to exclude any house or building from the notice, the committee shall consider, among other matters, the efficiency of the arrangements for house-scavenging made by the occupier (if any) and the purpose to which he applies the matter dealt with in house-scavenging.

Savings in favour of customary sweepers and of agriculturists.

113. Notwithstanding anything in the last foregoing section, the committee shall not, except in accordance with the provisions of this Chapter,—

(*a*) undertake the house-scavenging of any house or building in respect whereof any sweeper has a customary right to do such house-scavenging;

(*b*) without the consent of the occupier, undertake the house-scavenging of any house or building occupied by an agriculturist who himself cultivates land within municipal limits or in a village conterminous therewith.

Continuance of house-scavenging once undertaken by committee.

114. When once the committee has undertaken the house-scavenging of any house or building under this Chapter, it may continue to perform such house-scavenging with or without the consent of the occupier for the time being of such house or building.

Obligation of committee to perform house-scavenging properly.

115. When the committee has undertaken the house-scavenging of any house or building, it shall be bound to perform the same properly until it shall have relieved itself of the obligation by an order under section 112, sub-section (*4*).

Powers of municipal servants for house-scavenging purposes.

116. The servants of the committee employed in house-scavenging may at all reasonable times do all things necessary for the proper performance of any house-scavenging undertaken by the committee.

117. All

Vesting in committee of collections from house-scavenging.

117. All matter removed by the servants of the committee in the course of house-scavenging shall belong to the committee.

Punishment of customary sweepers for negligence.

118. (*1*) Should a sweeper who has a customary right to do the house-scavenging of a house or building (hereinafter called the customary sweeper) fail to perform such house-scavenging in a proper way and at reasonable intervals, the occupier of the house or building or the committee may complain to a Magistrate.

(*2*) The Magistrate receiving such complaint shall hold an enquiry, and, should it appear to him that the customary sweeper has failed to perform the house-scavenging of the house or building in a proper way or at reasonable intervals, he may impose upon such sweeper a fine which may extend to ten rupees, and, upon a second or any later conviction in regard to the same house or building, may also direct the right of the customary sweeper to do the house-scavenging of the house or building to be forfeited, and thereupon such right shall be forfeited accordingly.

Punishment of agriculturists for negligence.

119. (*1*) Should an agriculturist who himself cultivates land within municipal limits or in a village conterminous therewith fail to provide for the proper house-scavenging of any house or building occupied by him, the committee may complain to a Magistrate.

(*2*) The Magistrate receiving the complaint shall hold an enquiry, and, should it appear to him that the agriculturist has not provided for the proper house-scavenging of the house or building, he may pass an order empowering the committee to undertake the same, and thereupon the committee shall be entitled to undertake such house-scavenging.

Search for inflammable or explosive material in excess of authorized quantity.

Search for inflammable

120. (*1*) The committee may at any reasonable time,

time, by any person authorized by it in writing in this behalf. enter upon and inspect any house or building which is suspected to contain petroleum, explosive or other inflammable material, in excess of the quantity permitted to be kept in such house or building under the provisions of this Act or of any rule, bye-law or public notice made or published thereunder.

or explosive material in excess of authorized quantity.

(*2*) Should any such excess quantity of such material be discovered, it may be seized and held subject to such order as a Magistrate may pass with respect to it.

(*3*) If the Magistrate decide that the material seized was stored in the house or building contrary to the provisions of this Act or of any rule, bye-law or public notice made or published thereunder, he shall pass an order confiscating the same.

(*4*) Subject to any general rules for the time being applicable thereto the material so confiscated may be sold by order of the Magistrate, and the proceeds, after defraying the expenses of such sale, shall be credited to the municipal fund.

(*5*) No order of confiscation under this section shall operate to prevent any other criminal or civil proceedings to which the person storing the material in excessive quantity may be liable.

Water-pipes, privies and drains.

Troughs and pipes for rain-water.

121. The committee may, by notice, require the owner of any building or land in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the building or land and for discharging the same so as not to inconvenience persons passing along the street.

Provision of drains, privies, &c.

122. (*1*) The committee may, by notice, require the owner of any building or land to remove or provide any drain, privy, cesspool or other receptacle for filth, or provide any additional drains, privies, cesspools or other

other receptacles as aforesaid which should in its opinion be provided for the building or land, in such manner as the committee may direct, or to make to the reasonable satisfaction of the committee and maintain in good order a drainage connection with any public sewer or drain not situated more than one hundred feet from such building or land as aforesaid :

Provided that the said owner shall not be liable for any default in making or maintaining such drainage connection if the land through which the said drainage connection is required to pass does not belong to him, and he can prove that the default is caused by the act of the owner or occupier of such last-mentioned land.

(*2*) The committee may, by notice, require any person employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

(*3*) The committee may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee may direct, any door or trapdoor of a privy opening on to any street or drain.

Repair and closing of drains, privies and cesspools.

123. (*1*) The committee may, by notice, require the owner or occupier of any building or land to repair, alter or put in good order any drain, privy or cesspool, or to close any drain, privy or cesspool belonging thereto.

(*2*) The committee may, by notice, require any person who may construct any new drain, privy or cesspool without its permission in writing or contrary to its directions or regulations or to the provisions of this Act, or who may construct, rebuild or open any drain, privy or cesspool which it has ordered to be demolished

demolished or stopped up or not to be made, to demolish the drain, privy or cesspool, or to make such alteration therein as it may think fit.

Unauthorized buildings over drains, &c.

124. The committee may, by notice, require any person who without its permission in writing may newly erect or rebuild any building over any sewer, drain, culvert, water-course or water-pipe vested in the committee to pull down or otherwise deal with the same as it may think fit.

Removal of latrines, &c., near any source of water-supply.

125. The committee may, by notice, require any owner or occupier on whose land any drain, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week from the service of such notice.

Power to require removal of nuisance arising from tanks and the like.

126. The committee may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private well, tank, reservoir, pool, depression or excavation therein which may appear to the committee to be injurious to health or offensive to the neighbourhood :

Provided that, if for the purpose of effecting any drainage under this section it should be necessary to acquire any land not belonging to the same owner or to pay compensation to any person, the committee shall provide such land or pay such compensation.

Dangerous Buildings and Places.

Power to require buildings, wells, tanks, &c., to be secured.

127. Should any building, or any well, tank, reservoir, pool, depression or excavation be, for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may, by notice, require the owner or occupier thereof to repair, protect or enclose the same; and, should it appear to it to be necessary in order to prevent imminent danger, it shall

shall forthwith take such steps to avert the danger as may be necessary.

Building, &c., in ruinous or dangerous state.

128. Should any building, wall or structure or anything affixed thereto, or any bank or tree, be deemed by the committee to be in a ruinous state or in any way dangerous, it may, by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall, structure or bank as the committee may consider necessary for the public safety; and, should it appear to it to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps to avert the danger as may be necessary.

Buildings and Grounds in Unsanitary Condition.

Power to require owner to clear away noxious vegetation.

129. The committee may, by notice, require the owner or occupier of any land to clear away and remove any thick vegetation or undergrowth which may appear to the committee to be injurious to health or offensive to the neighbourhood.

Power to require hedges and trees to be trimmed.

130. The committee may, by notice, require the owner or occupier of any land to cut or trim within three days the hedges growing thereon and bordering on any street, or any branches of trees growing thereon which overhang any street and obstruct the same or cause danger thereto, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

Cleansing of filthy buildings or land.

131. Should the owner or occupier of any building or land suffer the same to be in a filthy or unwholesome state, the committee may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

Power to prohibit use for human habitation of

132. Should any building, or any part of any building, appear to the committee to be unfit for human habitation in consequence of the want of proper means of

of drainage or ventilation or other sufficient reason, the committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation, or suffering it to be so used, until it has been rendered fit for such use to the reasonable satisfaction of the committee.

buildings unfit for such use.

133. The committee may, by notice, require the owner or part-owner, or person claiming to be the owner or part-owner, of any building or land which, by reason of abandonment or disputed ownership or other cause, has remained untenanted and become a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice.

Power to require untenanted buildings becoming a nuisance to be secured or enclosed.

134. (*1*) The Local Government may, on the report of the Sanitary Commissioner or of the Civil Surgeon that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of any municipality is injurious to the health of persons dwelling in the neighbourhood, by notification prohibit the cultivation of such crop, the use of such manure or the use of the method of irrigation so reported to be injurious, or impose such conditions with respect thereto as may prevent the injury:

Cultivation, use of manure or irrigation, injurious to health, after prohibition.

Provided that, when on any land to which such notification applies the act prohibited has been practised during the five years next preceding the notification in the ordinary course of husbandry, compensation shall be paid from the municipal fund to all persons interested therein for any damage caused to them by the effect of such notification.

(*2*) Should any person disobey any notification issued under sub-section (*1*), he shall be punishable with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Offensive

Offensive and Dangerous Trades.

Regulation of offensive and dangerous trades.

135. (*1*) The owner or occupier of every place within the municipality used for any of the following purposes, namely :—

melting tallow;

boiling bones, offal or blood;

as a soap-house, oil-boiling house, dyeing-house or tannery;

as a brickkiln, pottery or limekiln;

as any other manufactory or place of business from which offensive or unwholesome smells arise;

as a yard or depôt for trade in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material;

as a store-house for any explosive, or for petroleum or any inflammable oil or spirit,

shall register the same in a book to be kept by the committee for the purpose.

(*2*) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually.

(*3*) The license shall not be withheld unless the committee consider that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(*4*) The committee may charge fees according to a scale to be approved by the Commissioner for such licenses, and may impose such conditions in respect thereof as it may think necessary.

(*5*) Whoever, without such registration and without a license, uses any such place for any such purpose as aforesaid shall be punishable with fine which may extend to fifty rupees, and with a further fine not exceeding ten rupees for every day during which the

the offence is continued after he has been convicted of such offence.

(*6*) The owner or occupier of any place registered under sub-section (*1*) may apply to have that place licensed under this section. When any such place has been licensed, the registration of that place shall thereby be cancelled, and shall not be renewed.

Power to prohibit such trades.

136. (*1*) Whenever it is shown to the satisfaction of the committee that any place registered or licensed under the last preceding section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, the committee may, by notice, require the occupier thereof to discontinue the use of such place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

(*2*) Whoever, after any such notice has been given, uses such place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punishable with fine which may extend to two hundred rupees, and with a further fine not exceeding forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Regulation of manufacture, preparation and sale of food and drink.

Power for committee to regulate manufacture, preparation and sale of food and drink.

137. (*1*) The committee may, by bye-law—

(*a*) prohibit the manufacture or preparation for sale of any specified articles of food or drink in any premises not licensed by the committee;

(*b*) regulate the grant and withdrawal of licenses to premises for the manufacture or preparation for sale of such specified articles of food or drink;

(*c*) regulate the hours and manner of transport within

within the municipality of any specified articles of food or drink;

(*d*) fix the places in which any specified article of food or drink may be sold or exposed for sale or the places in which it may not be sold or exposed for sale:

Provided that no person shall be punishable for breach of any bye-law made under clause (*a*) or clause (*d*) of this sub-section by reason of the continuance of such manufacture, preparation or exposure for sale, or sale upon any premises which are at the time of the making of such bye-law used for such purpose until he has received from the committee six months' notice in writing to discontinue such manufacture, preparation or exposure for sale, or such sale in such premises.

(*2*) This section shall not take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.

Dangerous Animals.

Destruction of mad dogs.

138. (*1*) A committee, by any person authorized by it in this behalf, may destroy or cause to be destroyed, or confine or cause to be confined for such period as the committee may direct, any dog suffering from rabies or reasonably suspected to be suffering from rabies.

(*2*) No damages shall be payable in respect of any dog destroyed under this section.

Restraint of Infection.

Information to be given of cholera or small-pox.

139. Whoever—

(*a*) being a medical practitioner or a person openly and constantly practising the medical profession, and in the course of such practice becoming cognizant of the existence of cholera or small-pox in any dwelling other than a public hospital, or, in default of such medical

medical practitioner or person practising the medical profession,

(*b*) being the owner or occupier of such dwelling, and being cognizant of the existence of cholera or small-pox therein, or, in default of such owner or occupier,

(*c*) being the person in charge of or in attendance on any person suffering from cholera or small-pox in such dwelling, and being cognizant of the existence of the disease therein,

fails to give information or gives false information to the committee, respecting the existence of such disease, shall be punishable with fine which may extend to fifty rupees:

Provided that a person not required to give information in the first instance, but only in default of some other person, shall not be punishable if it be shown that he had reasonable cause to suppose that the information had been or would be duly given.

Removal to hospital of cholera and small-pox patients.

140. When any person suffering from cholera or small-pox is—

(*a*) without proper lodging or accommodation, or

(*b*) living in a sarai or other public hostel, or

(*c*) living in a room or house which he neither owns nor pays rent for, or

(*d*) lodged in premises occupied by members of two or more families, and any of such occupiers objects to his continuing to lodge in such premises,

the committee, by any person authorized by it in this behalf, may, on the advice of any medical officer of rank not inferior to that of an Assistant Surgeon, remove the patient to any hospital or place at which persons suffering from such disease are received for medical treatment, and may do anything necessary for such removal.

141. Should

Prohibition by committee of use of unwholesome water.

141. Should the committee consider that the water in any well, tank or other place is likely, if used for drinking, to engender or cause the spread of any dangerous disease, it may by public notice prohibit the removal or use of such water for drinking.

Application of the two last foregoing sections.

142. Neither of the last two foregoing sections shall take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.

Power to make Bye-laws.

Power to make bye-laws.

143. (*1*) Any committee may, by bye-law—

(*a*) render licenses necessary for the proprietors or drivers of vehicles, boats or animals kept or plying for hire within the limits of the municipality, and fix the fees payable for such licenses and the conditions on which they are to be granted and may be revoked;

(*b*) limit the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons when hired within the municipality for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours;

(*c*) provide for the proper registration of births, marriages and deaths, and for the taking of a census;

(*d*) fix, and from time to time vary, the number of persons who may occupy a building or part of a building which is let in lodgings or occupied by members of more than one family; and provide—

(*i*) for the registration and inspection of such buildings;

(*ii*) for

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(*ii*) for promoting cleanliness and ventilation in such buildings;

(*iii*) for the notices to be given and the precautions to be taken in the case of any infectious disease breaking out in such buildings; and

(*iv*) generally for the proper regulation of such buildings;

(*e*) provide—

(*i*) for the inspection and proper regulation of encamping-grounds, pounds, sarais, markets, dhobis' ghâts, flour-mills and slaughter-houses;

(*ii*) for the holding of fairs and industrial exhibitions within the municipality or under the control of the committee, and for fixing fees to be levied thereat;

(*iii*) for controlling and regulating the use and management of burial and burning grounds;

(*iv*) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use;

(*f*) where the collection of an octroi has been sanctioned, fix octroi-limits for the purpose of collecting the same;

(*g*) regulate the exhibition of tables of octroi, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid are again exported, and the custody or storage of animals or goods declared not to be intended for use or consumption within the municipality into which they are brought;

(*h*) require

(*h*) require and regulate—

(*i*) the exhibition of tables showing the rates of tolls chargeable on vehicles and animals entering the municipality;

(*ii*) the appointment by owners of buildings or lands in the municipality, who are not resident in the municipality, of persons residing within or near the municipality to act as their agents for all or any of the purposes of this Act or any rule thereunder;

(*j*) regulate the assessment and collection of any tax imposed under this Act and the fees payable in respect of notices of demand;

(*k*) in any municipality where a reasonable number of slaughter-houses has been provided or licensed by the committee, control and regulate the admission within the municipal limits for the purpose of sale of the flesh (other than cured or preserved meat) of any cattle, sheep, goat or swine slaughtered at any slaughter-house or place not maintained or licensed under this Act; and

(*l*) generally provide for carrying out the purposes of this Act:

Provided that no bye-law made under clause (*a*) or clause (*b*) by the committee of a municipality in which the Hackney Carriage Act, 1879, is in force shall apply to any vehicle to which that Act applies. XIV of 1879.

(*2*) Bye-laws under clause (*g*) may, among other matters, provide a period of limitation after which no claim for refund of octroi shall be entertained, and also that no such refund shall be made when the amount thereof would be less than one rupee.

(*3*) When a cantonment authority, with the sanction

sanction of the Governor General in Council, has agreed with the committee of an adjoining municipality that the same octroi-limits shall be established for the cantonment and the municipality, and that octroi-collections and charges shall be divided between the cantonment fund and the municipal fund, the committee may fix limits under clause (*f*) of sub-section (*1*) so as to include so much both of the cantonment and of the municipal area as it may deem necessary, and shall have the same powers of collecting octroi on animals or goods brought within such limits, and the provisions of this Act relating to octroi shall apply in the same way, as if the said limits were wholly comprised in the area of the municipality.

Additional power to make bye-laws in hill municipalities.

144. The committee of a municipality wholly or in part situated in a hilly tract may further make bye-laws—

(*a*) for regulating or prohibiting the cutting or destroying of trees or shrubs, or the making of excavations or removal of soil or quarrying, where such regulation or prohibition appears to the committee to be necessary for the maintenance of a water-supply, the preservation of the soil, the prevention of landslips or of the formation of ravines or torrents, or the protection of land against erosion or the deposit thereon of sand, gravel or stones;

(*b*) for the regulation or prohibition of any description of traffic in the streets where such regulation or prohibition appears to the committee to be necessary for the prevention of danger or grave inconvenience to the public;

(*c*) for rendering licenses necessary for using premises within bazars as stables or cow-houses;

(*d*) for

(*d*) for rendering licenses necessary within the municipality—

(*i*) for persons working as job porters for the conveyance of goods,

(*ii*) for animals or carriages let out on hire for a day or part thereof, and

(*iii*) for persons impelling or carrying such carriages;

(*e*) for fixing the fees payable for such licenses as are referred to in this section, and the conditions on which such licenses are to be granted and may be revoked; and

(*f*) for regulating the charges to be made for the services of such job porters as aforesaid, and for the hire of such animals or carriages, and for the remuneration of persons who impel or carry such carriages.

Penalty for infringement of bye-law.

145. (*1*) In making any bye-law under any section of this Chapter, the committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

(*2*) In lieu of or in addition to such fine, the Magistrate may require the offender to remedy the mischief so far as within his power.

Confirmation of bye-law

146. (*1*) No bye-law made under any section of this Chapter shall come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may prescribe in this behalf.

(*2*) The Local Government may cancel its confirmation of any such bye-law, and thereupon the bye-law shall cease to have effect.

Supplemental.

Supplemental.

Execution of acts required to be done by any notice.

147. (*1*) When any notice under this Chapter requires any act to be done for which no time is fixed by this Act, it shall fix a reasonable time for doing the same.

(*2*) Whenever it is provided by this Act that any such notice may be given to the owner or occupier of any land or building, and the owner and occupier are different persons, such notice shall be given to the one of them primarily liable to comply with such notice, and in case of doubt to both of them :

Provided that in any such case, where there is no owner resident within the municipality, the delivery of such notice to the occupier shall be sufficient.

(*3*) Whenever the terms of any such notice have not been complied with, the committee may, after six hours' notice, by its officers, cause the act to be done.

Recovery of costs of execution.

148. (*1*) Where, under this Act, the owner or occupier of property is required by the committee to execute any work and default has been made in complying with the requirement, and the committee has executed the work, the committee may recover the cost of the work from the person in default.

(*2*) As between themselves and the committee both owner and occupier shall be deemed to be in default for the purposes of this section, but that one of them shall be deemed to be primarily in default upon whom as between landlord and tenant the duty of doing the required act would properly fall either in pursuance of the contract of tenancy or by law.

(*3*) When the person primarily in default is the owner, and the committee has recovered the whole or any part of the cost from the occupier, or he has paid the same upon its demand, he may deduct the sum so recovered or paid from the rent from time to time becoming due from him to the owner, or otherwise recover it from such owner :

(*4*) Provided

(*4*) Provided that no occupier shall be required to pay under sub-section (*3*) any sum greater than the amount for the time being due from him to the owner, either in respect of rent due at the date of such demand as aforesaid or thereafter accruing unless he has refused on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(*5*) All money recoverable by a committee under this section may be recovered either by suit or on application to a Magistrate having jurisdiction within the municipality by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of the property shall, until it is paid, be a charge on the property.

(*6*) Nothing in this section shall affect any contract between an owner and an occupier.

Compensation out of municipal fund.

149. (*1*) The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants, under this Act, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(*2*) Should any dispute arise touching the amount of any compensation which the committee is required by this Act to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or, in default of agreement, in the manner provided by the Land Acquisition Act, 1870, with reference to the acquisition of and payment of compensation for land for public purposes so far as it can be made applicable. X of 1870.

150. (*1*) Any

Appeals from orders of committee.

150. (*1*) Any person aggrieved—

(*a*) by the prohibition by a committee under section 92 of the erection or re-erection of a building, or

(*b*) by a notice from a committee under sub-section (*4*) of section 92 or sub-section (*2*) of section 93, requiring the alteration or demolition of a building, or

(*c*) by any order made by a committee under the powers conferred upon it by section 101, 132 or 136,

may appeal within thirty days from the date of such prohibition, notice or order to such officer as the Local Government may appoint for the purpose of hearing such appeals or any of them, or, failing such appointment, to the Commissioner in the case of a committee of a first class municipality, or to the Deputy Commissioner in the case of a committee of a second class municipality; and no such prohibition, notice or order shall be liable to be called in question otherwise than by such appeal:

Provided that, if, in the latter case, the Deputy Commissioner or such other officer as aforesaid be himself a member of the committee, the appeal shall lie to the Commissioner.

(*2*) The appellate authority may, if it shall think fit, extend the period allowed by sub-section (*1*) for appeal.

(*3*) The order of the appellate authority confirming, setting aside or modifying the prohibition, notice or order appealed from shall be final:

Provided that the prohibition, notice or order shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

Appeals from certain orders.

151. Every order of forfeiture under section 118 and every order under section 119 or section 120 shall be subject to appeal to the next superior Court, but shall not be otherwise open to appeal or revision.

CHAPTER VII.

CHAPTER VII.

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.

152. Whoever, without the permission of the committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any street or place, or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.

Discharging sewage.

153. Whoever, without the permission of the committee, causes or knowingly or negligently allows the water of any sink, sewer or cesspool, or any other offensive matter, to flow, drain or be put upon any street or place, or into any sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees.

Failure to remove offensive matter

154. Whoever, being the owner or occupier of any building or land, keeps or knowingly or negligently allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

Making or altering drains without authority.

155. Whoever, without the permission of the committee, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the committee shall be punishable with fine which may extend to fifty rupees.

Penalty for making or keeping

156. Whoever, without the permission of the committee, makes or keeps for a longer time than one week

week after notice under section 125 any drain, latrine, urinal, cesspool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use shall be punishable with fine which may extend to twenty rupees, and, when a notice has issued, with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

Latrines, &c., near any source of water-supply.

157. Whoever keeps any swine in disregard of any orders which the committee may give to prevent them from becoming a nuisance, or keeps any other animal so as to be injurious to the health of the inhabitants or of animals or so as to become a nuisance, shall be punishable with fine which may extend to twenty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Keeping animals so as to be injurious to health.

158. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on deleterious substances, filth or refuse of any kind shall be punishable with fine which may extend to fifty rupees.

Feeding animals on deleterious substances.

159. Whoever drives any vehicle after dark in any street at more than a walking pace, unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary, shall be punishable with fine which may extend to twenty rupees.

Driving vehicles without proper lights.

160. Whoever discharges fire-arms or lets off fire-works or fire-balloons, or engages in any game, in such a manner as to cause or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with fine which may extend to twenty rupees.

Discharging fire-arms, &c.

161. Whoever, being in charge of any elephant, camel or bear, omits on being requested to do so to remove

Control of elephants or camels.

remove as far as may be practicable his elephant, camel or bear to a safe distance on the approach of a horse, whether ridden or driven, shall be punishable with fine which may extend to twenty rupees.

aking elephants along public roads.

162. Whoever, contrary to any orders of the committee, takes an elephant along a street shall be punishable with fine which may extend to twenty rupees.

Suffering dogs to be at large.

163. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any street shall be punishable with fine which may extend to twenty rupees.

Altering, obstructing or encroaching upon streets.

164. Whoever, without the permission of the committee, alters, obstructs or encroaches upon any street, sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any street, or deposits building-materials or makes any hole or excavation on or in any street, or removes material from beneath any street so as to occasion risk of surface subsidence, shall be punishable with fine which may extend to fifty rupees.

Quarrying, blasting, cutting timber or building.

165. Whoever quarries, blasts, cuts timber or carries on building-operations in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

Picketing animals and collecting carts.

166. Whoever, contrary to the orders of the committee, pickets animals or collects carts on any public ground, or uses any such ground as a halting-place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to twenty rupees.

167. Whoever

167. Whoever carries a corpse along a route prohibited by the committee, or in a manner likely to cause annoyance to the public, shall be punishable with fine which may extend to ten rupees.

Carrying corpses by prohibited routes or so as to cause annoyance.

168. Whoever, without being authorized by the committee, defaces or disturbs any direction-post or lamp-post, or extinguishes any light in any public place, shall be punishable with fine which may extend to ten rupees.

Destroying direction-posts, lamp-posts, &c.

169. Whoever disobeys any lawful direction given by the committee by public notice under the powers conferred upon it by the last foregoing Chapter, or any written notice lawfully issued by it under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues :

Penalty for disobedience of orders of committee under last Chapter.

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

170. When any order of the kind specified in section 101, section 136 and section 169 is subject to appeal, and an appeal has been instituted against it, all proceedings to enforce such order and all prosecutions for any breach thereof shall be suspended pending the decision of the appeal, and, if such order is set aside on appeal, disobedience thereto shall not be deemed to be an offence.

Prosecution to be suspended in certain cases.

171. Should the flesh of any cattle, sheep, goat or swine be brought within municipal limits in contravention

Disposal of certain imports seized

under any bye-law made under section 143.

contravention of any bye-law made under section 143, it may be seized by any officer of the committee authorized in that behalf, and may be destroyed or otherwise disposed of as the committee may direct.

CHAPTER VIII.

EXTINCTION AND PREVENTION OF FIRE.

Establishment and maintenance of fire-brigade.

172. For the prevention and extinction of fire the committee may establish and maintain a fire-brigade and may provide any implements, machinery or means of communicating intelligence which the committee may think necessary for the efficient discharge of their duties by the brigade.

Power of fire-brigade and other persons for suppression of fires.

173. (*1*) On the occasion of a fire in a municipality any Magistrate, the secretary of the committee, any member of committee, any member of a fire-brigade maintained by the committee then and there directing the operations of men belonging to the brigade, and (if directed so to do by a Magistrate, or the secretary or a member of committee) any Police-officer above the rank of constable, may—

(*a*) remove or order the removal of any person who by his presence interferes with or impedes the operations for extinguishing the fire or for saving life or property;

(*b*) close any street or passage in or near which any fire is burning;

(*c*) for the purpose of extinguishing the fire break into or through or pull down, or cause to be broken into or through or pulled down, or used for the passage of hoses or other appliances, any premises;

(*d*) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;

(*e*) call

(*e*) call on the persons in charge of any fire-engine to render such assistance as may be possible; and,

(*f*) generally, take such measures as may appear necessary for the preservation of life or property.

(*2*) No person shall be liable to pay damages for any act done by him under sub-section (*1*) in good faith.

(*3*) Any damage done in the exercise of a power conferred or a duty imposed by this section shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

174. The powers conferred by the last foregoing section shall be subject to any regulations, conditions or restrictions which may be imposed by rule.

Power for Local Government to make rules under this Chapter.

175. No portion of this Chapter shall take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.

Limitation of operation of Chapter.

CHAPTER IX.

CONTROL.

176. (*1*) The Commissioner of the division or the Deputy Commissioner of the district may—

Control by Commissioner and Deputy Commissioner.

(*a*) enter on, inspect and survey, or cause to be entered on, inspected and surveyed, any immoveable property within the limits of the division or district respectively occupied by any committee or joint committee, or any work in progress within those limits under its directions;

(*b*) by order in writing call for and inspect any book or document in the possession or under the control of any committee or joint committee

committee having authority within the said limits;

(*c*) by order in writing require any such committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the committee as he may think fit to call for; and

(*d*) record in writing, for the consideration of any such committee or joint committee, any observations he may think proper in regard to the proceedings or duties of the committee.

(*2*) Every committee shall submit such periodical reports to the Deputy Commissioner or other authority as the Local Government may direct.

Power to suspend action of committee.

177. The Commissioner or Deputy Commissioner may, by order in writing, suspend, within the division or district respectively, the execution of any resolution or order of a committee or joint committee, or prohibit the doing of any act within the said limits which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

Extraordinary powers of Deputy Commissioner in case of emergency.

178. (*1*) In cases of emergency the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or of doing the act shall be forthwith paid by the committee.

(*2*) Should the expense be not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal

municipal fund to pay the expense, or so much thereof as may from time to time be possible, from that balance, in priority to all other charges against the same.

Power to provide for performance of duties in case of default of committee.

179. (*1*) When the Commissioner, after due enquiry, is satisfied that a committee of the first class has made default in performing any duty imposed upon it under this Act, he may, by an order in writing, fix a period for the performance of that duty; and, should it not be performed within the period so fixed, he may appoint some person to perform it, and may direct that the expense thereof shall be paid within such time as he may fix by the committee.

(*2*) Should the expense be not so paid, the Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as may from time to time be possible from that balance, in priority to all other charges against the same.

(*3*) The Deputy Commissioner shall have the same powers with respect to committees of the second class as are by this section conferred upon the Commissioner with respect to committees of the first class.

Action of Deputy Commissioner or Commissioner to be immediately reported

180. When the Deputy Commissioner makes any order under section 177, section 178 or section 179, he shall forthwith forward to the Local Government through the Commissioner, and, when the Commissioner makes any order under section 177 or section 179, he shall forthwith forward to the Local Government, a copy thereof, with a statement of the reasons for making it, and with such explanation, if any, as the committee may wish to offer; and the Local Government may thereupon confirm, modify or rescind the order.

Powers of Local Government and its officers over committees.

181. (*1*) The Local Government, and the Commissioners and Deputy Commissioners acting under the orders of the Local Government, shall be bound to require that the proceedings of committees shall be in conformity with law and with the rules in force under

under any enactment for the time being applicable to the Punjab generally or to the areas over which the committees have authority.

(*2*) The Local Government may exercise all powers necessary for the performance of this duty, and may, among other things, by order in writing, annul or modify any proceeding which it may consider not to be in conformity with law or with such rules as aforesaid.

(*3*) The Commissioner of the division and the Deputy Commissioner may, within their jurisdiction, for the same purpose exercise such powers as may be conferred upon them by rule made in this behalf by the Local Government.

Power of Local Government to supersede committee in case of incompetency, persistent default or abuse of powers.

182. (*1*) Should a committee be incompetent to perform, or persistently make default in the performance of, the duties imposed on it by or under this or any other Act, or exceed or abuse its powers, the Local Government may, with the previous approval of the Governor General in Council, by notification, in which the reasons for so doing shall be stated, declare the committee to be superseded:

Provided that, in case of public emergency, such notification may be issued without the previous approval of the Governor General in Council, but shall be forthwith reported to the Governor General in Council and shall be subject to his orders.

(*2*) When a committee is so superseded, the following consequences shall ensue:—

(*a*) all members of the committee shall, from the date of the notification, vacate their seats:

(*b*) all powers and duties of the committee may, until the committee is reconstituted, be exercised and perfomed by such person as the Local Government may appoint in that behalf:

(*c*) all property vested in the committee shall, until

until the committee is reconstituted, vest in Her Majesty.

(*3*) The Local Government may, if it shall think fit, at any time constitute another committee in the place of any committee superseded under this section.

Disputes.

183. (*1*) If any dispute, for the decision of which this Act does not otherwise provide, arises between two or more committees constituted under this Act, or between any such committee and a district board or cantonment authority, the matter shall be referred—

(*a*) to the Deputy Commissioner if the local authorities concerned are in the same district;

(*b*) to the Commissioner or Commissioners of the division or divisions if the local authorities concerned are in different districts; and

(*c*) to the Local Government if the local authorities concerned are in different divisions and the Commissioners of those divisions cannot agree.

(*2*) The decision of the authority to which any dispute is referred under this section shall be final.

(*3*) If, in the case mentioned in clause (*a*), the Deputy Commissioner is a member of one of the committees or boards concerned, his functions under the section shall be discharged by the Commissioner.

Power of Local Government to frame forms and make rules.

184. (*1*) The Local Government may frame forms for any proceeding of a committee for which it considers that a form should be provided, and may make rules consistent with this Act—

(*a*) with respect to the powers and duties of committees in municipalities of the first and of the second class respectively;

(*b*) as to the division of municipalities into wards, or of the inhabitants into classes, or both;

(*c*) as to the number of representatives proper for each ward or class;

(*d*) as

(*d*) as to the qualifications of electors and of candidates for election ;

(*e*) as to the registration of electors ;

(*f*) as to the nomination of candidates, the time of election and the mode of recording votes ;

(*g*) generally for regulating all elections under this Act ;

(*h*) fixing the term of office of members and presidents of committees ;

(*i*) prescribing the qualifications requisite in the case of persons appointed by a committee to offices requiring professional skill ;

(*j*) as to the priority to be given to the several duties of the committee ;

(*k*) as to the authority on which money may be paid from the municipal fund ;

(*l*) as to the appointment, promotion, suspension, reduction, fining and dismissal of municipal watchmen ;

(*m*) as to the formation and working of municipal fire-brigades ;

(*n*) as to the procedure to be observed for the punishment or dismissal of servants of the committee ;

(*o*) as to the conditions on which property vested in the committee may be transferred by sale, mortgage, lease, exchange or otherwise ;

(*p*) as to the intermediate office or offices, if any, through which correspondence between committees or members of committees and the Local Government or officers of that Government shall pass ;

(*q*) as to the preparation of plans and estimates for works to be partly or wholly constructed at the expense of committees, and as to the

the person by whom, and the conditions subject to which, such plans and estimates are to be sanctioned ;

(*r*) as to the accounts to be kept by committees, as to the conditions on which such accounts are to be open to inspection by inhabitants paying any tax under this Act, as to the manner in which such accounts are to be audited and published, and as to the power of the auditors in respect of disallowance and surcharge;

(*s*) as to the preparation of estimates of income and expenditure of committees, and as to the person by whom, and the conditions subject to which, such estimates may be sanctioned;

(*t*) as to the returns, statements and reports to be submitted by committees;

(*u*) as to the powers to be exercised by Commissioners and Deputy Commissioners under section 181;

(*v*) as to the language in which business shall be transacted, proceedings recorded and notices issued ;

(*w*) as to the publication of notices; and

(*x*) generally for the guidance of committees and public officers in carrying out the purposes of this Act.

(*2*) Rules under clause (*g*) of sub-section (*1*) may, among other matters, provide—

(*i*) for the investigation of allegations of corrupt practices or intimidation at elections;

(*ii*) for making void the election of any person proved to the satisfaction of the Local Government or of the Commissioner, as the municipality may be of the first or of the second class, to have been guilty of corruption or intimidation or to have connived at

or

or abetted the exercise of corruption or intimidation on his behalf by any other person;

(*iii*) for rendering incapable of municipal office either permanently or for a term of years any person whose election may have been made void as aforesaid for corruption or intimidation or for connivance at or abetment of the same; and

(*iv*) for the definition of the practices at municipal elections which are to be deemed to be corrupt or to amount to intimidation.

General powers of Local Government and Commissioners.

185. In all matters connected with this Act the Local Government shall have and exercise over Commissioners and Deputy Commissioners, and Commissioners shall have and exercise over Deputy Commissioners, the same authority and control as they respectively have and exercise over them in the general and revenue administration.

CHAPTER X.

SUPPLEMENTAL.

Prosecutions.

Authority for prosecutions.

186. No Court shall take cognizance of any offence punishable under this Act or any rule or bye-law except on the complaint of the committee or of some person authorized by the committee in this behalf.

Explanation.—The committee may authorize persons to prosecute either generally in regard to all offences against this Act and the rules thereunder or particularly in regard only to specified offences or offences of a specified class. The person authorized may be authorized by office if he is president, vice-president or secretary of the committee. In other cases the authority must be personal. The authority must

must in all cases be in writing and may at any time be cancelled by the committee.

Power to compound offences.

187. (*1*) In any municipality of the first class the Local Government may empower the committee, or its president, vice-president or secretary, or any sub-committee thereof, to accept from any person against whom a reasonable suspicion exists that he has committed an offence against this Act or any rule or bye-law, a sum of money by way of composition for such offence.

(*2*) On payment of such sum of money the suspected person if in custody shall be discharged, and no further proceedings shall be taken against him in regard to the offence or alleged offence so compounded for.

(*3*) Sums paid by way of composition under this section shall be credited to the municipal fund.

(*4*) Power under sub-section (*1*) to accept composition for alleged offences may be given either generally in regard to all offences under this Act and the rules and bye-laws, or particularly in regard only to specified offences or offences of a specified class, and may at any time be withdrawn by the Local Government.

(*5*) The Local Government may make rules to regulate the proceedings of persons empowered to accept composition under this section for alleged offences.

Member not to be deemed interested in prosecution.

188. No Judge or Magistrate shall be deemed to be a party to, or personally interested in, any prosecution for an offence punishable under this Act or any rule or bye-law, or under any other law, within the meaning of section 555 of the Code of Criminal Procedure, 1882, by reason only that he is a member of the committee by the order, or under the authority, of which it has been instituted.

X of 1882.

Rules and Bye-laws.

Procedure for making rules.

189. (*1*) The authority empowered to make any rules or bye-laws which require the sanction of the Local

Local Government shall, before making such rules or bye-laws, publish, in such manner as may, in its opinion, be sufficient for giving information to persons interested, a draft of the proposed rules or bye-laws, with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making such rules or bye-laws, receive and consider any objection or any suggestion which may be made by any person with respect to the draft before the date so specified.

(*2*) If, on such consideration of the draft, any modification is made, the Local Government shall determine whether it is desirable to republish the draft under this section.

(*3*) Every such rule or bye-law shall be notified in English, and in such other language or languages as the Local Government may direct; and such notification shall be conclusive evidence that such rule or bye-law has been made as is required by this section.

Rules to be available for purchase and inspection.

190. (*1*) A copy of all rules and bye-laws made under this Act for any municipality shall be kept at the committee's office, and shall be open during office hours without charge to the inspection of any inhabitant.

(*2*) Copies of all such rules and bye-laws shall be kept at the committee's office for sale to the public at a price not exceeding one rupee.

Notices.

Authentication, service and validity of notices.

191. (*1*) Every notice issued by a committee under this Act or under any rule or bye-law shall be in writing, signed by the president, vice-president, secretary or assistant secretary, or by the members of any sub-committee specially authorized by the committee in that behalf, and may be served on the person to whom it is addressed, or delivered or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served,

served, may be affixed to some conspicuous part of his place of abode or business.

(*2*) When the place of abode or business of the person to whom the notice is addressed is not within the limits of the municipality, the notice may be served by posting it in a registered cover addressed to his usual place of abode.

(*3*) If the owner of any property has no place of abode or business within the municipality, every such notice addressed to him as such owner may be served on the occupier.

(*4*) When the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by affixing it to some conspicuous part of the property.

(*5*) No notice issued by the committee under this Act or under any rule or bye-law shall be invalid for defect of form.

Mode of giving notice to owner or occupier of property.

192. When any notice is under the provisions of this Act to be given to or served on the owner or occupier of any property and he is unknown, it may be given or served—

(*a*) by delivering a written notice to some person on the property, or, should there be no person on the property to whom it can be delivered, by affixing it to some conspicuous part of the property; or

(*b*) by putting into the post a prepaid letter containing a written notice, and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

Publication of public notices.

193. Every public notice given by a committee under this Act or any rule or bye-law shall be published by proclamation or in such other manner as the Local Government may, by rule, direct.

Alteration

Alteration of Boundaries and Class of Municipality.

Notification of intention to alter limits of municipality.

194. The Local Government may, by notification published in the official Gazette, and in such other manner as it may determine, declare its intention—

(*a*) to exclude from a municipality any local area comprised therein and defined in the notification; or

(*b*) to include within a municipality any local area in the vicinity of the same and defined in the notification:

Provided that, where the local area is a military cantonment or part of a military cantonment, no notification affecting it shall be published under this section without the previous consent of the Governor General in Council.

Alteration of limits of municipality.

195. (*1*) Any inhabitant of a municipality or local area in respect of which a notification has been published under section 194 may, should he object to the alteration proposed, submit his objection in writing through the Deputy Commissioner to the Local Government within six weeks from the publication of the notification in the Gazette; and the Local Government shall take such objection into consideration.

(*2*) When six weeks from the publication of the notification have expired, and the Local Government has considered the objections (if any) which have been submitted under sub-section (*1*), the Local Government may, by notification, exclude the local area from the municipality or include it therein, as the case may be.

Effect of exclusion of local area from municipality.

196. (*1*) When any local area has been excluded from a municipality under section 195,—

(*a*) this Act, and all rules, bye-laws, orders, directions and powers made, issued or conferred under this Act shall cease to apply thereto; and

(*b*) the

(*b*) the Local Government shall, after consulting the committee, frame a scheme determining what portion of the balance of the municipal fund and other property vested in the committee shall vest in Her Majesty for the benefit of such local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Secretary of State for India in Council; and, on the scheme being notified, the property and liabilities shall vest and be apportioned accordingly.

(*2*) All property vested in Her Majesty under sub-section (*1*) shall be applied under the orders of the Local Government to discharging the liabilities imposed on the Secretary of State for India in Council under that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the said local area.

Effect of including local area in municipality.

197. When any local area has been included in a municipality under section 195, this Act, and, except as the Local Government may otherwise by notification direct, all rules, bye-laws, orders, directions and powers made, issued or conferred under this Act and in force throughout the whole municipality at the time, shall apply to such area.

Power to change class of municipality.

198. The Local Government may, after consulting the committee, direct, by notification, that any municipality be transferred from one class to another.

Powers to except and withdraw Municipalities from provisions of Act.

Power to except municipality from provisions of Act unsuited thereto.

199. (*1*) Should the circumstances of any municipality be such that, in the opinion of the Local Government, any of the provisions of this Act are unsuited thereto, the Local Government may, by notification, except the municipality from the operation of those provisions; and thereupon the said provisions

provisions shall not apply to the municipality until applied thereto by notification.

(*2*) While such exception as aforesaid remains in force, the Local Government may make rules for the guidance of the committee and public officers in respect of the matters excepted from the operation of the said provisions.

Power to withdraw municipal area altogether from operation of this Act.

200. (*1*) The Local Government may, by notification, withdraw the whole area comprised in any municipality from the operation of this Act.

(*2*) When a notification is issued under this section in respect of any local area, this Act, and all rules, regulations, bye-laws, orders, directions and powers made, issued or conferred under this Act, shall cease to apply to the said area; and the balance of the municipal fund, and all other property at the time of the issue of the notification vested in the committee, shall vest in Her Majesty, and the liabilities of the committee shall be transferred to the Secretary of State for India in Council.

(*3*) All property vested in Her Majesty under sub-section (*2*) shall be applied under the orders of the Local Government to discharge the liabilities imposed on the Secretary of State for India in Council by that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the said area.

Miscellaneous.

Recovery of taxes, &c.

201. Any arrears of any tax or fee or any other money claimable by a committee under this Act may be recovered, on application to a Magistrate having jurisdiction within the limits of the municipality, or in any other place where the person from whom the money is claimable may for the time being be resident, by the distress and sale of any moveable property within the limits of his jurisdiction belonging to such person.

202. When

202. When any building used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman, who according to custom does not appear in public, is entered under this Act, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Precautions to be observed in entering dwellings.

203. (*1*) In the absence of a written contract to the contrary every sweeper employed by a committee shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

Obligation of municipal servants to discharge their duties.

(*2*) Should any sweeper employed by a committee in the absence of a written contract authorizing him so to do and without reasonable cause resign his employment or absent himself from his duties without giving one month's notice to the committee, or neglect or refuse to perform his duties or any of them, he shall be liable to imprisonment which may extend to two months.

(*3*) The Local Government may, by notification, direct that, on and from a date to be specified in the notification, the provisions of sub-sections (*1*) and (*2*) with respect to sweepers shall apply also to any specified class of servants employed by any committee whose functions intimately concern the public health or safety.

204. (*1*) On the complaint of three or more inhabitants of a municipality that a house in their immediate neighbourhood and within the limits of the municipality is used as a brothel or by disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, any Magistrate of the first class having, as such, jurisdiction in the place where the house is situated may summon the

Brothels.

the owner or tenant of the house to answer the complaint; and, on being satisfied that the house is so used, and is a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it; and, if he shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used.

(*2*) This section shall not take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.

Relief to agents and trustees.

205. (*1*) When any person, by reason of his receiving the rent of immoveable property as agent or trustee, or of his being as agent or trustee the person who would receive the rent if the property were let to a tenant, would, under this Act, be bound to discharge any obligation imposed by this Act on the owner of the property and for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has or but for his own improper act or default might have had, in his hands funds belonging to the owner sufficient for the purpose.

(*2*) The burden of proving the facts entitling an agent or trustee to relief under this section shall lie on him.

(*3*) When any agent or trustee has claimed and established his right to relief under this section the committee may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf or for the use of the owner, and should he fail to comply with such notice he shall be deemed to be personally liable to discharge such obligation.

Decision of question as to whether persons are "inhabitants."

206. Should any question arise whether any person or specified class of persons is or are an inhabitant or inhabitants of a local area within the meaning of

of this Act, the decision thereon of the Commissioner of the division shall be conclusive.

207. Nothing in this Act shall affect the Local Authorities Loans Act, 1879. (Saving of Act XI of 1879.)

XI of 1879.

Simla.

208. Whereas there is at present levied on certain lands situate in the municipality of Simla a tax at the rate of ten rupees per two thousand five hundred square yards or fraction of two thousand five hundred square yards, the said tax shall be deemed to be a tax lawfully imposed and assessed under this Act and leviable in addition to any other tax leviable hereunder. (Simla land-tax.)

209. The house and frontage taxes which have been levied in the municipality of Simla since the year 1885 shall, at the rates charged in the year 1890, be deemed to have been and to be duly imposed under this Act. (Simla house and frontage taxes.)

CHAPTER XI.

SMALL TOWNS.

210. (*1*) The Local Government may, by notification, declare that, with respect to some or all of the matters upon which a municipal fund may be expended under section 72, improved arrangements are required within a specified area, which, nevertheless, it is not expedient to constitute as a municipality. (Constitution of notified areas.)

(*2*) An area in regard to which a notification has been issued under sub-section (*1*) is hereinafter called a notified area.

(*3*) No area shall be made a notified area if it contains more than ten thousand inhabitants according to the returns of the most recent official census, or unless it contains a town or bazaar and is not a purely agricultural village.

211. (*1*) The

Power of Local Government to impose taxation and regulate expenditure of proceeds thereof.

211. (*1*) The Local Government may—

(*a*) impose in any notified area any tax which could be imposed there by the committee if the notified area were a municipality;

(*b*) apply or adapt to the notified area, for the assessment and recovery of any tax imposed under clause (*a*), any of the provisions of this Act, or of any rules for the time being in force, with respect to the assessment and recovery of any tax imposed under this Act;

(*c*) arrange for the due expenditure of the proceeds of taxes imposed under clause (*a*), and for the preparation and maintenance of proper accounts;

(*d*) appoint a committee of one or more persons for the purposes of clauses (*b*) and (*c*);

(*e*) extend to any notified area the provisions of any section of this Act subject to such restrictions and modifications, if any, as the Local Government may think fit.

(*2*) The proceeds of any tax levied in any notified area under this section shall be expended only in some manner in which the municipal fund of such notified area might be expended if the notified area were a municipality.

Application of Act to notified areas.

212. For the purposes of any section of this Act which may be extended to a notified area the committee appointed for such area under section 211 shall be deemed to be a municipal committee under this Act and the area to be a municipality.

Discontinuance of notified areas.

213. The Local Government may at any time cancel any notification under section 210.

Application of funds of areas ceasing to be notified.

214. When by reason of any order of cancellation under the last foregoing section any notified area ceases

ceases to be notified, the unexpended proceeds of any taxes levied therein under section 211 shall be applied for the benefit of the inhabitants of the said area as the Local Government may think fit.

SCHEDULE.

(*List of places referred to in section 42*)

SIMLA.	DALHOUSIE.
DHARAMSALA.	MURREE.

Government of India Central Printing Office —No 193 L D.—11-11-91.—4,400 —G R.

ACT No. XXI OF 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 8th October, 1891.)

An Act to amend the Lower Burma Municipal Act, 1884.

WHEREAS it is expedient to amend the Lower Burma Municipal Act, 1884; It is hereby enacted as follows:—

XVII of 1884.

1. In section 2 of the Lower Burma Municipal Act, 1884, the word "and" at the end of the definition of "inhabitant" shall be omitted, and, after the definition of "street," the following shall be inserted, namely:—

XVII of 1884.

Additions to section 2, Act XVII, 1884.

"'sewage' means night-soil and other proper contents of water-closets, latrines, urinals, privies, drains and cesspools:

"'drain' includes a sewer, pipe, ditch or channel, or any other device for carrying off sulliage, sewage or polluted water: and

"'drainage-connection' includes—

(*a*) any drain or pipe between any water-closet, latrine, urinal, privy, bathroom, cookroom, sink, sulliage-tray, manhole or trap on the one hand and any sewer or drain set apart by the committee for sulliage, sewage and other offensive matter on the other hand, and

(*b*) any cistern, flush-tank, land, building, machinery, work or thing for collecting and passing into any sewer or drain vested in the municipal

[*Price two annas and six pies.*]

municipal committee, or used for so collecting and passing, any sulliage, sewage or polluted water."

Addition to section 41, Act XVII, 1884.

2. In section 41, sub-section (*1*), division (A), of the said Act the following shall be added after clause (*d*), namely:—

"(*e*) a toll on vehicles and animals used as aforesaid entering the municipality and not liable to taxation under the preceding clause:

Provided that any person may compound for exemption from all tolls leviable in respect of any animal or vehicle under this clause by paying the tax which would have been leviable in respect thereof under clause (*d*) if the same had been kept within the municipality."

Substitution of new clause for section 61, sub-section (*2*), clause (*k*), Act XVII, 1884.

3. For section 61, sub-section (*2*), clause (*k*), the following shall be substituted, namely:—

"all acts and things which are likely to promote the safety, health, welfare or convenience of the inhabitants, or expenditure whereon may be declared by the committee, with the sanction of the Local Government, to be an appropriate charge on the municipal fund."

Substitution of new section for section 75 Act XVII, 1884.

4. For section 75 of the said Act the following shall be substituted, namely:—

Notice of new buildings.

"75. (*1*) Every person intending to erect or re-erect any building shall, if required by rule made by the committee in this behalf to do so, give notice in writing of his intention to the committee, and shall, if required by rule made by the committee in this behalf to do so, submit with such notice—

(i) a site-plan of the land;

(ii) where the land belongs to the Government or the committee, a certified copy of the document or documents authorizing him to occupy the land, and, on the requisition of the committee, the original document or documents

documents also if the committee desires to inspect it or them;

(iii) a plan showing the levels at which the foundation and lowest floor or plinth are proposed to be laid, and specifications of the work intended to be constructed and the materials to be used.

"(2) The committee may at any time within six weeks thereafter, by notice, either prohibit the erection or re-erection of such building if deemed likely to be injurious to the inhabitants of the neighbourhood, or give any directions consistent with this Act in respect of all or any of the matters following, namely:—

(*a*) trespass or encroachment on land belonging to the Government or the committee;

(*b*) free passage or way in front of the building;

(*c*) space to be left about the building to secure free circulation of air and facilitate scavenging and for the prevention of fire;

(*d*) ventilation and drainage;

(*e*) level and width of foundation, level of lowest floor or of plinth and stability of structure;

(*f*) line of frontage with neighbouring buildings if the building abuts on a street or public thoroughfare; and

(*g*) situation of water-closets, latrines, urinals, privies, drains, cesspools, traps, sinks, sullage-trays and wells:

Provided that the committee shall make full compensation to the owner for any damage which he may sustain in consequence of the prohibition of the re-erection of any building, or of its requiring any land belonging to him to be added to the street.

"(3) If any building is begun or erected or re-erected in contravention of any such rule as aforesaid, or in disobedience to any such prohibition as aforesaid, or in contravention of any such written direction as aforesaid, the committee may, by notice, require the building

building to be altered or demolished, as it may deem necessary.

"(*4*) The expression 'erect or re-erect any building' includes—

(*a*) any material alteration or enlargement of any building,

(*b*) the conversion into a place for human habitation of any building not originally constructed for human habitation,

(*c*) the conversion into more than one place for human habitation of a building originally constructed as one such place,

(*d*) the conversion of two or more places of human habitation into a greater number of such places,

(*e*) such alteration of the internal arrangements of a building as effects an alteration of its drainage or sanitary arrangements, or affects its security, and

(*f*) the addition of any rooms, buildings, outhouses or other structures to any building."

Addition of new section after section 75, Act XVII, 1884.

5. After section 75 the following section shall be added, namely :—

Power of committee to make rules as to mode of construction of buildings.

"75A. (*1*) The committee may by rules regulate in respect of the erection or re-erection of any building within the municipality—

(*a*) the materials and method of construction to be used for external and party walls, roofs, floors, fire-places and chimneys :

(*b*) the position of fire-places, chimneys, drains, privies and cesspools ;

(*c*) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on ;

(*d*) the number and height of the storeys of which the building may consist ; and

(*e*) the

(*e*) the means to be provided for egress from the building in case of fire:

Provided that the committee may by resolution dispense with the observance of any or all of the rules made under this section in regard to the erection or re-erection of any building specified in the resolution.

"(*2*) If in and during the erection or re-erection of any building any rule under this section is contravened, the committee may by notice, to be delivered within a reasonable time, require the building to be altered or demolished within the space of thirty days as it may deem necessary:

"Provided that no such notice shall issue in respect of the contravention of any rule of which the observance has been dispensed with under the proviso to sub-section (*1*).

"(*3*) This section shall not take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee."

Substitution of new section for section 91, Act XVII, 1884.

6. For section 91 of the said Act the following shall be substituted, namely:—

Provision and removal of privies and the like.

"91. (*1*) The committee may, by notice, require the owner of any building or land to remove or provide, in such manner as the committee may direct, any water-closet, latrine, urinal, privy, drain, cesspool, trap, sink or sulliage-tray, or any additional water-closets, latrines, urinals, privies, drains, cesspools, traps, sinks or sulliage-trays, which should, in its opinion, be provided for the building or land.

"(*2*) The committee may, by notice, require any person employing more than twenty workmen or labourers to provide such water-closets, latrines, urinals, privies, drains, cesspools, traps, sinks or sulliage-trays as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

"(*3*) The committee may, by notice, require the owner or occupier of any building or land to have any water-

water-closet, latrine, urinal or privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee may direct, any door or trap-door of a water-closet, latrine, urinal or privy opening on to any street or drain."

Substitution of two new sections for section 92, Act XVII, 1884.

7. For section 92 of the said Act the two sections following shall be substituted, namely :—

Closing, alteration and repair of privies and the like.

"92. (*1*) The committee may, by notice, require the owner or occupier of any building or land to close, repair, alter or put in good order any water-closet, latrine, urinal, privy, drain, cesspool, trap, sink or sulliage-tray belonging thereto.

"(*2*) The committee may, by notice, require any person who constructs any new water-closet, latrine, urinal, privy, drain, cesspool, trap, sink or sulliage-tray without its permission in writing or contrary to its directions or regulations or to the provisions of this Act, or who constructs, re-builds or opens any water-closet, latrine, urinal, privy, drain, cesspool, trap, sink or sulliage-tray which it has ordered to be demolished or stopped up or not to be made, to demolish the water-closet, latrine, urinal, privy, drain, cesspool, trap, sink or sulliage-tray, or to make such alteration therein as it thinks fit.

Making and maintaining drainage-connection with sewer or drain.

"92A. (*1*) Where any building or land situated within one hundred feet of one of the sewers or drains set apart by the committee for sulliage, sewage or other offensive matter is at any time not drained to the satisfaction of the committee by any or a sufficient drainage-connection with such sewer or drain, the committee may by notice require the owner of such building or land to make and maintain a drainage-connection with the sewer or drain in such manner as the committee may, by rule made with the sanction of the Local Government, direct.

"(*2*) The provisions of sections 109 and 110 of this Act shall apply to any default in compliance with any

any such requisition notwithstanding that part of the land through which the said drainage-connection is required to pass may not belong to the person so making default, unless he shall prove that the default was caused by the act of the owner or occupier of such last-mentioned land.

"(*3*) This section shall not take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee."

Amendment of section 106, clause (*h*), Act XVII, 1884, and addition to same section.

8. In section 106, clause (*h*), the word "and" at the end of the clause shall be omitted; and after the said clause the following clause shall be added, namely:—

"(*hA*) for requiring and regulating the exhibition of tables showing the rates of tolls chargeable on vehicles and animals entering the municipality; and".

Addition of new section after section 132, Act XVII, 1884.

9. After section 132 the following section shall be added, namely:—

Obligation of municipal servants to discharge their duties.

"132A. (*1*) In the absence of a written contract to the contrary every sweeper employed by a committee shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

"(*2*) Should any sweeper hereafter employed by a committee in the absence of a written contract authorizing him so to do and without reasonable cause resign his employment or absent himself from his duties without giving one month's notice to the committee, or neglect or refuse to perform his duties or any of them, he shall be liable to imprisonment which may extend to two months.

"(*3*) The Local Government may, by notification, direct that, on and from a date to be specified in the notification, the provisions of sub-sections (*1*) and (*2*) with respect to sweepers shall apply also to any specified class of servants employed by any committee whose functions intimately concern the public health or safety."

Govt. of India Central Printing Office.—No. 194 L. D.—10-11-91.—3,800.—G. R.

ACT No. XXII OF 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 8th October, 1891.)

An Act to extend the Inland Emigration Act, 1882.

WHEREAS it is expedient to extend the Inland Emigration Act, 1882; It is hereby enacted as follows:—

82.

82. 1. The Inland Emigration Act, 1882, is hereby extended to the territories administered by the Chief Commissioner of the Central Provinces.

Extension of Act I, 1882, to the Central Provinces.

2. It shall be lawful for the Governor in Council, with the previous sanction of the Governor General in Council, by notification in the Fort St. George Gazette, to extend the said Act to the whole or any portion of the Madras Presidency.

Power to extend Act to Madras Presidency.

Government of India Central Printing Office.—No. 195 L D —10 11-91 —3,000.

[*Price one anna.*]

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INDEX

TO THE

ACTS PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL IN THE YEAR 1891.

[NOTE — The abbreviations P., O., U. B. and L. B. indicate that the entries against which they are placed refer only to the Punjab, Oudh, Upper Burma and Lower Burma respectively.]

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*It has not been considered necessary to include in this Index the various repeals and amendments effected by the Repealing and Amending Act (XII of 1891).

[*Price four annas and nine pies.*]

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